Article - Local Government

§1–101.

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

(b) (1) "Charter county" means a county that has adopted charter home rule under Article XI–A of the Maryland Constitution.

(2) "Charter county" does not include Baltimore City.

(c) "Code county" means a county that has adopted code home rule under Article XI–F of the Maryland Constitution.

(d) "Commission county" means a county that has not adopted charter or code home rule.

(e) "County" means a county of the State or Baltimore City.

(f) "Governing body" means:

(1) for Baltimore City, the Mayor and City Council of Baltimore City;

(2) for a charter county:

(i) that does not have an elected chief executive officer, the county council; or

(ii) that has an elected chief executive officer, the county council or the county council and the county executive, as provided by the county charter;

(3) for a code county, the county commissioners;

(4) for a commission county, the county commissioners; and

(5) for a municipality, the body provided under the municipal charter.

(g) "Municipality" means a municipality that is organized under Article XI–E of the Maryland Constitution.

(h) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity.

(i) (1) Except as provided in paragraph (2) of this subsection, "state" means:

(i) a state, possession, territory, or commonwealth of the United States; or

(ii) the District of Columbia.

(2) When capitalized, "State" means Maryland.

(j) "Tax collector" means the person or governmental unit responsible for collecting a tax.

§1–201.

(a) This section does not apply to:

(1) an elected official;

(2) the head of a unit of a county or municipality who reports directly to:

(i) the chief administrative officer of the county or municipality;

(ii) an elected executive; or

(iii) the governing body of the county or municipality; or

(3) the chief administrative officer of the county or municipality.

(b) (1) A county or municipality may not require an employee to reside in the State, county, or municipality or within a specified distance of the State, county, or municipality as a condition of employment.

(2) Subject to subsection (c) of this section, when making employment, promotion, demotion, layoff, and discharge decisions, a county or municipality may not discriminate based on an individual's place of residence.

(c) A county or municipality may grant a resident of the State, county, or municipality additional points or credits in employment or promotion decisions if the points or credits are provided in accordance with a merit system established by the county or municipality by local law or ordinance.

(d) An agency created under State law that provides governmental services to more than one county or municipality may not require an employee, as a condition of employment, to reside in the State or a county or municipality or within a specified distance of the State, a county, or a municipality for which the agency provides governmental services.

§1–202.

(a) This section applies to the following governmental entities:

(1) counties;

(2) municipalities;

(3) special taxing districts; and

(4) regional governmental entities created by State law that provide services in more than one county.

(b) A governmental entity may not issue an identification card on which an employee's Social Security number is visible.

§1–203.

(a) This section applies to the following governmental entities:

(1) counties;

(2) municipalities;

(3) bicounty agencies;

(4) county boards of education;

(5) public corporations;

(6) special taxing districts; and

(7) other political subdivisions of the State.

(b) Each governmental entity shall give its employees who return from military service in the armed forces of the United States the same reemployment rights as provided for State employees under Title 2, Subtitle 7 of the State Personnel and Pensions Article.

§1–204.

(a) If a municipality, county, or other political subdivision of the State makes appointments to government positions under a civil service or merit system law or ordinance, the unit that provides eligibility lists for appointments shall adopt rules or regulations to grant special credit to honorably discharged veterans of the armed forces of the United States who have been residents of the State for at least 5 years immediately preceding the date on which the veteran takes a merit system examination.

(b) (1) The unit may determine the nature and extent of the special credit granted to veterans.

(2) The unit may grant a greater credit to veterans with a disability than to veterans who do not have a disability.

(c) The credit granted to a veteran under this section may be extended to:

(1) the spouse of a veteran if the veteran is unable to qualify for merit system appointment because of a disability; and

(2) the unmarried surviving spouse of a deceased veteran.

(d) The unit may exempt war veterans under the age of 55 years from any age limitation or requirement.

§1–205.

(a) (1) Subject to paragraph (2) of this subsection, a county or municipality may:

(i) pay the wage of an employee by direct deposit as provided in subsection (b) of this section; and

(ii) require an employee to receive the payment of wages by direct deposit as a condition of employment.

(2) A county or municipality may not require the payment of wages by direct deposit for an employee:

(i) who was hired before October 1, 2011, unless the county or municipality before October 1, 2011, required, by local law, regulation, or collective bargaining agreement, the payment of wages by direct deposit;

(ii) whose employment is not conditioned on the employee receiving the payment of wages by direct deposit; or

(iii) 1. who does not have a personal bank account; and

2. who informs the employee's employer that the employee wishes to opt out of direct deposit.

(3) If a county or municipality elects to pay wages by direct deposit, an employee who is not required to receive the payment of wages by direct deposit may elect to receive the payment of wages by direct deposit in accordance with subsection (c) of this section.

(b) If a county or municipality elects to pay the wages of its employees by direct deposit, the county or municipality shall:

(1) provide an employee who is required or elects to receive the payment of wages by direct deposit with an electronic fund transfer authorization form;

(2) deposit the wage of an employee into a personal bank account selected by the employee on the electronic fund transfer authorization form; and

(3) each time the county or municipality pays the wage of an employee by direct deposit, provide the employee with a direct deposit statement that includes:

(i) the total amount of the wage;

(ii) any amount deducted from the wage; and

(iii) the amount of the wage directly deposited into the personal bank account selected by the employee.

(c) (1) An employee who is required or elects to receive the payment of wages by direct deposit shall:

(i) complete and submit to the county or municipality the electronic fund transfer authorization form provided to the employee under subsection (b) of this section; and

(ii) select a personal bank account for the direct deposit of the employee's wages that is at a financial institution that participates in the automated clearinghouse network.

(2) Subject to paragraph (1)(ii) of this subsection, an employee may change the personal bank account or the financial institution designated on an electronic fund transfer authorization form by completing and submitting to the county or municipality a new electronic fund transfer authorization form.

§1–301.

This subtitle applies to the following governmental entities:

(1) counties;

(2) municipalities;

(3) bicounty or multicounty agencies;

(4) county boards of education;

(5) public authorities;

(6) special taxing districts; and

(7) other public entities whose employees are not covered by § 2–304 of the State Personnel and Pensions Article.

§1–302.

Employment by a governmental entity does not affect any right or obligation of a citizen under the United States Constitution, the Maryland Constitution, or federal or State law.

§1–303.

Except as otherwise provided in this subtitle, an employee of a governmental

entity:

(1) may freely participate in any political activity and express any political opinion; and

(2) may not be required to provide a political service.

§1–304.

An employee of a governmental entity may not:

(1) engage in political activity while on the job during working hours; or

(2) advocate the overthrow of the government by unconstitutional or violent means.

§1–305.

A person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $3,000 or both.

§1–306.

Notwithstanding any other law of the State effective on or before June 30, 1973, or any local law, the restrictions imposed by this subtitle are the only restrictions on the political activities of an employee of a governmental entity, except for restrictions:

(1) imposed on an employee of a local board of elections by § 2–301 of the Election Law Article; or

(2) provided in or authorized by the Montgomery County Charter and imposed on:

(i) an officer or employee of the Montgomery County government who serves in a quasi–judicial capacity; or

(ii) a member of a Montgomery County board or commission who serves in a quasi–judicial capacity.

§1–401.

(a) In this section, "computer software program" means a software program used to:

(1) access data in a computer system; or

(2) implement a process using data in a computer system.

(b) This section does not apply to a computer software program subject to Title

10, Subtitle 9 of the State Government Article.

(c) (1) A county or municipality may sell, lease, or license to the public, or enter into a contract concerning, a computer software program, including any associated patent, trademark, or copyright, that is produced by or for the county or municipality in the normal course of its operations.

(2) A county or municipality may adopt a price structure for a computer software program based on any factors that the county or municipality considers relevant, including:

(i) the cost of producing, reproducing, and delivering the computer software program;

(ii) overhead and labor costs; and

(iii) the fair market value of the computer software program.

§1–402.

(a) (1) In this section the following words have the meanings indicated.

(2) "Nonresident bidder" means a bidder whose principal office is outside the State.

(3) "Preference" includes:

(i) a percentage preference;

(ii) an employee residency requirement; or

(iii) any other provision that favors a resident over a nonresident.

(4) "Resident bidder" means a bidder whose principal office is in the State.

(b) When a political subdivision or an instrumentality of government in the State uses competitive bidding to award a procurement contract, the political subdivision or instrumentality may give a preference to the resident bidder who submits the lowest responsive bid of any resident bidder if:

(1) the resident bidder is a responsible bidder;

(2) a responsible nonresident bidder submits the lowest responsive bid of all bidders; and

(3) the state in which the nonresident bidder's principal office is located gives a preference to its residents.

(c) A preference under this section shall be identical to the preference that the

state in which the nonresident bidder's principal office is located gives to its residents.

§1–403.

(a) An officer or agent of a county or municipality who is charged with the construction, improvement, or maintenance of any building or work, or the management of a public institution, may not enter into any contract that binds or purports to bind the county or municipality to pay money not previously appropriated and remaining unexpended for the purpose of the contract.

(b) If an officer or agent of a county or municipality willfully or knowingly enters into or participates in entering into a contract prohibited under subsection (a) of this section:

(1) the officer or agent is personally liable for the contract; and

(2) the county or municipality is not liable for the contract.

§1–501.

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

(b) "Affected property" has the meaning stated in § 6–801 of the Environment Article.

(c) (1) "Residential property" means a building or a portion of a building that provides complete living facilities, including facilities for cooking, sanitation, and sleeping.

(2) "Residential property" includes:

(i) a single–family unit in a multifamily dwelling; and

(ii) a "rental dwelling unit" as defined under § 6–801 of the Environment Article.

§1–502.

This subtitle applies to the regulation in any manner, by a county or municipality, of residential property that is rented or leased, including regulation by the issuance or renewal of:

(1) a license or registration to authorize the owner of residential property to engage in the business of renting or leasing the residential property;

(2) a license or registration to authorize residential property to be rented or leased; or

(3) a certification that residential property that is rented or leased is in

compliance with a local housing, livability, or property maintenance code.

§1–503.

A county or municipality may not authorize or certify residential property to be rented or leased unless the owner of the property:

(1) states in writing to the county or municipality under penalty of perjury:

(i) that the residential property is not an affected property; or

(ii) that the residential property is an affected property that has been registered and for which the registration has been renewed in accordance with §§ 6–811 and 6–812 of the Environment Article; and

(2) if the property is an affected property, provides the inspection certificate number for the inspection conducted for the current tenancy as required under § 6–815(c), § 6–817(b), or § 6–819(e) of the Environment Article.

§1–504.

In addition to reporting, as required under § 6–848.2 of the Environment Article, any known noncompliance of an affected property with the provisions of Title 6, Subtitle 8 of the Environment Article, a county or municipality may forward to the Department of the Environment any information obtained under this subtitle regarding residential property.

§1–601.

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

(b) "Parks and recreation unit" means a governmental unit designated or created under § 1–604 of this subtitle to administer a program.

(c) "Program" means a program of public recreation and parks.

§1–602.

This subtitle does not apply to Charles County.

§1–603.

This subtitle is additional and supplemental to any law governing a program.

§1–604.

The governing body of a county or municipality may:

(1) establish and maintain a program for the benefit of the residents of the

county or municipality; and

(2) create or designate a parks and recreation unit to administer the program.

§1–605.

(a) A parks and recreation unit may:

(1) maintain a park or recreational facility; and

(2) conduct recreation and park activities.

(b) The parks and recreation unit may employ an administrative officer and other personnel as necessary and as authorized by the governing body of the county or municipality.

(c) The parks and recreation unit may organize volunteer groups or councils to aid in the implementation of the program.

§1–606.

(a) (1) If the governing body of a county or municipality determines that a board or commission shall provide and conduct a program, by local law, ordinance, or resolution, the governing body shall create a board or commission.

(2) The board or commission shall have the powers granted to it by the governing body.

(b) In accordance with subsection (c) of this section, the governing body of the county or municipality shall determine the membership of the board or commission and the terms of office and compensation of the members.

(c) (1) Except as provided in paragraph (3) of this subsection, a board or commission established by a county shall include:

(i) one member of the county governing body; and

(ii) one member or representative of the county board of education.

(2) A member designated under paragraph (1) of this subsection:

(i) shall serve a term of 1 year; and

(ii) may be reappointed.

(3) In Frederick County:

(i) the county commissioner on the board or commission serves for a

term coextensive with the member's term of elected office; and

(ii) a member of the county board of education is a member of the board or commission.

§1–607.

(a) The governing body of a county or municipality may establish and maintain any property owned or leased by the county or municipality for use as a park or recreational facility.

(b) In accordance with applicable law, and subject to subsection (c) of this section, the governing body of a county or municipality may acquire or lease any property inside or outside its corporate limits for use as a park or recreational facility.

(c) This subtitle does not grant or restrict the power of condemnation.

§1–608.

The governing body of a county or municipality may appropriate money for the operation, equipment, and maintenance of a park or recreational facility.

§1–609.

In the manner provided by law for the issuance of bonds for other purposes, the governing body of a county or municipality may issue bonds to:

(1) acquire property for use as a park or recreational facility;

(2) acquire the equipment for a park or recreational facility;

(3) redesign, improve, construct, develop, or extend a park or recreational facility; or

(4) provide for any appropriate capital item in cooperation with other governmental units under § 1–610 of this subtitle.

§1–610.

The governing body of a county or municipality, by and through the parks and recreation unit or other designated unit, may join or cooperate with a federal, State, or other local governmental unit or community recreation council to acquire, lease, or maintain a park or recreational facility or provide or conduct a park or recreational activity.

§1–611.

The governing body of a county or municipality, by and through the parks and recreation unit or other designated unit, may accept:

(1) a gift of property for use as a park or recreational facility; or

(2) other contributions for parks and recreation purposes.

§1–701.

This subtitle does not apply to Baltimore City.

§1–702.

(a) Sections 1–703 through 1–707 of this subtitle do not:

(1) grant to a county or municipality additional authority in any substantive area beyond that granted under other public general law or public local law;

(2) restrict a county or municipality from exercising authority granted under other public general law or public local law;

(3) authorize a county or municipality to engage in an activity not authorized under other public general law or public local law; or

(4) preempt or supersede the regulatory authority of a unit of State government.

(b) (1) This section applies to all counties, except:

(i) Anne Arundel County;

(ii) Baltimore City;

(iii) Baltimore County;

(iv) Cecil County;

(v) Howard County;

(vi) Prince George's County;

(vii) Queen Anne's County; and

(viii) Worcester County.

(2) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(3) A county may grant franchises as provided under existing public general law or public local law.

§1–703.

(a) It is the policy of the State to authorize each county and municipality to displace or limit competition in the area of public transportation to:

(1) provide adequate, economical, and efficient transportation services;

(2) protect against excessive and inconsistent prices for transportation services;

(3) conserve energy and reduce accidents, air pollution, congestion, and traffic hazards through public transportation;

(4) encourage its use by contributing capital and operating funds so that transportation may be provided at the lowest cost; and

(5) promote the general welfare by providing a comprehensive transportation system.

(b) Notwithstanding any anticompetitive effect, a county or municipality may:

(1) (i) grant one or more franchises for transportation services on an exclusive or nonexclusive basis;

(ii) impose franchise fees;

(iii) establish rates applicable to the franchise; and

(iv) adopt rules, regulations, and licensing requirements for the operation of the franchise; or

(2) operate a public transportation system on an exclusive basis, including:

(i) establishing rates for the public transportation system; and

(ii) adopting rules and regulations for the operation of the public transportation system.

§1–704.

(a) It is the policy of the State to authorize each county and municipality to displace or limit competition in the area of water and sewerage systems to:

(1) assure delivery of adequate, economical, and efficient water and sewerage services;

(2) avoid duplication of water and sewerage facilities;

(3) control disease and provide for the public health and safety;

(4) prevent environmental degradation;

(5) protect natural resources;

(6) use the public right–of–way efficiently; and

(7) promote the general welfare by providing adequate water and sewerage systems.

(b) (1) Notwithstanding any anticompetitive effect, a county or municipality may:

(i) grant one or more franchises or enter into contracts for water or sewerage systems on an exclusive or nonexclusive basis;

(ii) impose franchise fees;

(iii) establish charges and rates applicable to the franchise; and

(iv) adopt rules, regulations, and licensing requirements for the operation of the franchise.

(2) If another law grants a county or municipality the authority to operate water and sewerage systems, the county or municipality shall operate the systems without regard to any anticompetitive effect.

§1–705.

(a) Notwithstanding any anticompetitive effect, it is the policy of the State to direct and authorize each county and municipality to exercise authority over waste collection and disposal.

(b) This section does not apply to waste that the generator:

(1) directs to a specific facility for reclamation, recycling, or reuse; or

(2) disposes of on its property.

§1–706.

(a) It is the policy of the State to authorize each county and municipality to displace or limit competition in the awarding of concessions on, over, or under property owned or leased by the county or municipality and in the leasing or subleasing of property owned or leased by the county or municipality to:

(1) use its assets properly for the best public purpose;

(2) protect the public from unscrupulous business practices and excessive prices;

(3) provide maximum accessibility to public property;

(4) provide desirable or necessary governmental services at the lowest possible cost; and

(5) promote the general welfare by using public property for the benefit of the residents of the county or municipality.

(b) Notwithstanding any anticompetitive effect, a county or municipality may:

(1) (i) grant one or more franchises for any concession on, over, or under property owned or leased by the county or municipality on an exclusive or nonexclusive basis;

(ii) control prices and rates for the franchise; and

(iii) adopt rules and regulations for the operation of the franchise; and

(2) lease or sublease publicly owned or leased real property on terms that the county or municipality determines.

§1–707.

(a) This section applies only to code counties and municipalities.

(b) It is the policy of the State to authorize each code county and municipality to displace or limit competition in the area of port regulation to:

(1) provide for safe harbors free of congestion and navigational hazards;

(2) protect marine life and wildlife; and

(3) prevent water pollution and erosion.

(c) Notwithstanding any anticompetitive effect, a code county or municipality may:

(1) grant one or more franchises or enter into contracts for the placement or construction of structures in or on the waters of the county or municipality;

(2) issue licenses for wharves and piers; or

(3) issue permits for mooring piles, floating wharves, buoys, and anchors.

§1–708.

(a) (1) Unless otherwise defined by local law, in this section, "cable television system" means a nonbroadcast facility that consists of a set of transmission paths and associated signal generation, reception, and central equipment, under common ownership and control, that distributes or is designed to distribute to subscribers the signals of one or more television broadcast stations.

(2) "Cable television system" does not include a facility that:

(i) serves 49 or fewer subscribers; or

(ii) serves only subscribers in one or more multiple dwelling units under common ownership, control, or management.

(b) This section does not authorize the governing body of a county to enact laws or regulations for a municipality.

(c) The governing body of a county or municipality may:

(1) grant a franchise for a cable television system that uses a public right–of–way;

(2) impose franchise fees;

(3) establish rates applicable to a franchise; and

(4) adopt rules and regulations for the operation of a franchise.

§1–709.

(a) Notwithstanding any anticompetitive effect, the County Commissioners of Somerset County may grant an exclusive franchise to a ferry company to operate between Somerset County and Reedville, Virginia.

(b) Before granting a franchise, the County Commissioners of Somerset County shall review the proposed business and financial plan of the ferry company.

(c) The County Commissioners of Somerset County may adopt regulations to carry out this section that are consistent with any regulations adopted by the Public Service Commission that relate to ferry companies.

(d) If the ferry company does not exercise the franchise within 18 months after it is granted, the franchise becomes void.

(e) A ferry company may not conduct gaming activities on a ferry that it operates under a franchise granted under this section.

§1–801.

(a) (1) In this section, "federal project" means any federal work, improvement, or project.

(2) "Federal project" includes:

(i) dredging projects;

(ii) flood control projects; and

(iii) other federal river, harbor, and navigation works and improvements.

(b) This section applies to the following governmental entities:

(1) counties;

(2) municipalities;

(3) public corporations;

(4) special districts; and

(5) any other political subdivisions.

(c) A governmental entity may:

(1) assist the United States or a federal agency in constructing, financing, maintaining, using, or operating a federal project, including agreeing to terms of local cooperation required by the United States or a federal agency;

(2) enter into a contract with the United States or a federal agency, in the form required by the United States or federal agency, obligating the governmental entity to:

(i) construct, finance, maintain, use, or operate a federal project; or

(ii) arrange, contract for, or supervise the construction, financing, maintenance, use, or operation of a federal project;

(3) appropriate or obligate money and obtain private loans or financing to pay for its share of the cost of a federal project;

(4) accept and use federal grants or loans to assist in the construction, financing, maintenance, use, or operation of a federal project;

(5) purchase or, in accordance with Title 12 of the Real Property Article, condemn land and interests in land necessary for a federal project and transfer any

interest in that land to the United States or a federal agency; and

(6) enter property and waters to conduct surveys, soundings, and examinations in furtherance of a federal project.

§1–802.

For the purpose of constructing, financing, maintaining, using, or operating a watershed project, a county or municipality may enter into a contract, including an obligation of repayment under applicable federal public works and economic development programs under 42 U.S.C. §§ 3161 and 3162, with:

(1) the United States or a federal agency;

(2) a public drainage association;

(3) a public watershed association; or

(4) any person or other governmental entity.

§1–803.

(a) (1) Regardless of whether a county or municipality has established a housing authority under the Housing Authorities Law in Division II of the Housing and Community Development Article, the powers conferred by this section:

(i) are in addition to all other powers of a county or municipality; and

(ii) may be exercised directly by a county or municipality or as otherwise provided by the governing body of the county or municipality.

(2) This section does not affect any powers conferred on a housing authority, county, or municipality by the Housing Authorities Law in Division II of the Housing and Community Development Article.

(b) A county or municipality may participate in federal lower–income housing assistance programs and for this purpose may:

(1) enter into contracts with the United States or a federal agency;

(2) accept and expend assistance payments related to existing, newly constructed, or substantially rehabilitated housing;

(3) act as a public housing agency as defined in federal law; and

(4) do all things necessary or convenient to participate in the program.

§1–804.

(a) After consultation with the Department of Budget and Management, the Secretary of Planning shall adopt regulations that require a county or municipality to submit information, as required in this section, on federal aid, including grants, instructional contracts, loans, research contracts, and other assistance.

(b) (1) Every 6 months, a county or municipality shall submit a summary notice to the Department of Planning if, during the 6–month period that the notice covers, the county or municipality received an award of federal aid in the form of an instructional contract, an instructional grant, a research contract, or a research grant.

(2) The summary notice shall state the amount of the award.

(c) (1) This subsection does not apply to an instructional contract, an instructional grant, a research contract, or a research grant.

(2) Within 30 days after a county or municipality receives an award of federal aid, the county or municipality shall submit to the Department of Planning a summary notice that states:

(i) the amount of the award; and

(ii) if the award is conditioned on matching funds:

1. the amount of those funds;

2. the source of those funds; and

3. the period for which those funds are required.

§1–901.

The governing body of a county or a municipality may provide materials, services, or other assistance to another political subdivision for a public purpose and for mutual benefit.

§1–902.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County; and

(7) Queen Anne's County.

(b) The governing body of a county may contract with another governmental entity for the joint or cooperative performance of any governmental function.

(c) The governing body of a county may:

(1) accept any gift or grant from the federal or State government or any unit of federal or State government; and

(2) use the gift or grant for any lawful purpose for which it was received.

§1–903.

(a) On request of the Director of the Baltimore City Department of Public Works, the governing bodies of Anne Arundel County, Baltimore County, or Howard County shall restrict the use of water supplied by Baltimore City to any person or property located in the county:

(1) to the same extent restrictions are imposed on the use of water by consumers in Baltimore City when there is a shortage of water; or

(2) in limited areas when required due to deficiencies in the water distribution system serving the limited areas under conditions approved by the receiving county.

(b) Before the imposition of a water restriction in a limited area of Anne Arundel County, Baltimore County, or Howard County, the Director of the Baltimore City Department of Public Works shall determine that the unrestricted use of water in all other areas of the county will have no detrimental effect on the restricted use area.

(c) The governing bodies of Anne Arundel County, Baltimore County, and Howard County may pass any ordinance, resolution, rule, or regulation necessary to impose and enforce a water restriction under this subtitle and provide penalties for the violation of a restriction.

§1–1001.

(a) A county or municipality may establish a hospital or other facility for the care of the sick by:

(1) building or contracting for the use of a facility; or

(2) joining with another county or municipality to establish a joint facility.

(b) A county or municipality may recover the expenses incurred by a hospital or another facility in caring for a patient who is not indigent:

(1) from the patient, within 3 years after the patient is discharged from the facility; or

(2) from the estate of the patient, if the patient dies in the facility.

§1–1002.

A hospital, as defined in § 19–301 of the Health – General Article, that is operated by a political subdivision may accept a valid credit card as payment for a bill.

§1–1005.

In this part, "board" means a citizens nursing home board.

§1–1006.

The county commissioners or county council of a county may establish a citizens nursing home board.

§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, 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, 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.

(2) Each member of the board shall be a resident of the county.

(b) Except as provided in subsections (c) and (d)(3) of this section, a successor member shall be elected by a majority vote of the board for:

(1) a term of 3 years if a term expires; or

(2) the rest of the term if a term is vacated.

(c) 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.

(d) (1) In St. Mary's County, the board consists of at least 10 but not more than 15 members.

(2) (i) Subject to paragraph (1) of this subsection, the County Commissioners of St. Mary's County may create new positions on the board.

(ii) The county commissioners shall set the term for each new position to:

1. 3 years or less; and

2. ensure balanced staggering of the expiration of the terms of all members.

(3) The county commissioners shall appoint a successor member for:

(i) a term of 3 years if a term expires; or

(ii) the rest of the term if a term is vacated.

§1–1008.

(a) The board shall elect a chair from among its members.

(b) The board shall determine the term of office of the chair.

§1–1009.

(a) The board shall meet at least once a month to conduct its business.

(b) A member of the board serves without compensation.

§1–1010.

(a) The board shall establish, maintain, and operate a nursing home or other facility or service for the care and treatment of aged, convalescent, and chronically ill individuals.

(b) The board has the following powers and duties:

(1) (i) to accept gifts, legacies, bequests, or endowments for purposes of the board; and

(ii) unless otherwise specified by the donor, in the discretion of the board, to spend both principal and income of a gift, legacy, bequest, or endowment for the purposes of the board;

(2) (i) to acquire and hold property in the name of the county commissioners or county council of the county;

(ii) to preserve and administer property acquired by the board; and

(iii) to sell or otherwise dispose of property acquired by the board;

(3) to provide adequate facilities and services for the care and treatment of aged, convalescent, and chronically ill individuals, including:

(i) physical care;

(ii) medical care;

(iii) nursing care;

(iv) recreational services;

(v) rehabilitative services;

(vi) special education; and

(vii) dissemination of information relating to causes and prevention of chronic and debilitating illnesses;

(4) (i) subject to item (ii) of this item, to charge fees for admission to and maintenance in a facility and for services provided; and

(ii) to charge fees to indigent individuals in direct proportion to the individual's ability to pay;

(5) to apply to the purposes of the board all money, assets, or property the board receives;

(6) to adopt rules and regulations for the board's facilities and services;

(7) to cooperate with and assist, as much as practicable, any unit of the State, the United States, any subdivision of either, or any person;

(8) to hire a director of any facility or service and to provide for additional employees and the qualifications and wages of the employees;

(9) to require any facility or service to maintain standards to qualify for a license as a hospital under Title 19, Subtitle 3, Part III of the Health – General Article; and

(10) to integrate each of the board's facilities with those of the Secretary of Health and Mental Hygiene.

§1–1011.

The board shall adopt rules to govern its operations.

§1–1012.

(a) As much as possible, the activities of the board shall be supported by the public, voluntary contributions, fees and charges, and payments from the State and federal government.

(b) To maintain an adequate level of medical and nursing care for aged, convalescent, and chronically ill individuals, the county commissioners or county council of a county may:

(1) make annual appropriations to support the operations of the board; and

(2) make appropriations or borrow funds for land acquisition and capital improvements and issue bonds, notes, or other evidence of indebtedness.

§1–1013.

The board shall report annually to the county commissioners or county council of the county on the activities of the board during the preceding year, including any recommendations or requests the board considers appropriate to achieve the objectives and purposes of this part.

§1–1014.

In addition to the authority provided in this part, the 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.

§1–1017.

(a) (1) The county commissioners or county council of a county may cooperate, consistent with this subtitle, for the construction or reconstruction of hospitals or related facilities by contributing up to one–third of the cost of any hospital or related facility.

(2) To pay the county contribution under this subsection, the county commissioners or county council may:

(i) use general fund revenues of the county; or

(ii) within the limits of any restriction on the borrowing power of the county, issue bonds, notes, or other evidence of indebtedness, pledging the full faith and credit of the county to the payment of principal of and interest on the bonds, notes, or evidence of indebtedness.

(3) For the purposes of this subsection, the Secretary of Health and Mental Hygiene, as the sole unit to represent the State, shall cooperate with the county.

(b) (1) The County Commissioners of Kent County may cooperate, consistent with this subtitle, for the construction of a nursing home or related facilities by contributing up to one–third of the cost of the nursing home or related facilities.

(2) A nursing home constructed under this subsection shall have at least 25 beds.

(3) To pay the county contribution under this subsection, the county commissioners may:

(i) use general fund revenues of the county; or

(ii) within the limits of any restriction on the borrowing power of the county, issue bonds, notes, or other evidence of indebtedness, pledging the full faith and credit of the county to the payment of principal of and interest on the bonds, notes, or evidence of indebtedness.

(4) For the purposes of this subsection, the Secretary of Health and Mental Hygiene, as the sole unit to represent the State, shall cooperate with the county commissioners.

(c) (1) The County Commissioners of Somerset County shall cooperate, consistent with this subtitle, for the construction of a nursing home hospital or related facilities by contributing up to $200,000 of the cost of any nursing home hospital or related facilities.

(2) A nursing home hospital constructed under this subsection shall:

(i) have 60 beds;

(ii) be located in the town of Crisfield, on the same grounds as McCready Hospital;

(iii) have a corridor connecting it to McCready Hospital; and

(iv) be known as the Alice Byrd Tawes Nursing Home.

(3) To pay the county contribution under this subsection, the county commissioners may:

(i) use general fund revenues of the county; or

(ii) within the limits of any restriction on the borrowing power of the county, issue bonds, notes, or other evidence of indebtedness, pledging the full faith and credit of the county to the payment of principal of and interest on the bonds, notes, or evidence of indebtedness.

§1–1101.

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

(b) "Bond" means a bond, note, or other similar instrument that a county or municipality issues under this subtitle.

(c) "Chief executive" means the president, chair, mayor, county executive, or any other chief executive officer of a county or municipality.

(d) "Commercial property" means real property that is:

(1) not designed principally or intended for human habitation; or

(2) used for human habitation and is improved by more than four single family dwelling units.

(e) "Program" means a clean energy loan program established under this subtitle.

§1–1102.

A county or municipality may enact an ordinance or a resolution to establish a clean energy loan program.

§1–1103.

(a) The purpose of a program is to provide loans to:

(1) residential property owners, including low income residential property owners, to finance energy efficiency and renewable energy projects; and

(2) commercial property owners to finance:

(i) energy efficiency projects; and

(ii) renewable energy projects with an electric generating capacity of not more than 100 kilowatts.

(b) A private lender may provide capital for a loan provided to a commercial property owner under the program.

§1–1104.

(a) An ordinance or resolution enacted under § 1–1102 of this subtitle shall provide for:

(1) eligibility requirements for participation in the program, including eligibility requirements for:

(i) energy efficiency improvements and renewable energy devices; and

(ii) property and property owners; and

(2) loan terms and conditions.

(b) Eligibility requirements under subsection (a) of this section shall include a requirement that the county or municipality give due regard to the property owner's ability to repay a loan provided under the program, in a manner substantially similar to that required for a mortgage loan under §§ 12–127, 12–311, 12–409.1, 12–925, and 12–1029 of the Commercial Law Article.

§1–1105.

(a) Subject to subsection (c) of this section, a program shall require a property owner to repay a loan provided under the program through a surcharge on the owner's property tax bill.

(b) Except for a surcharge authorized under subsection (c) of this section, a county or municipality may not set a surcharge greater than an amount that allows the county or municipality to recover the costs associated with:

(1) issuing bonds to finance the loan; and

(2) administering the program.

(c) With the express consent of any holder of a mortgage or deed of trust on a commercial property that is to be improved through a loan to the commercial property owner under the program:

(1) a county or municipality may collect loan payments owed to a private lender or to the county or the municipality for a loan to a commercial property owner, and costs associated with administering the program, through a surcharge on the property owner's property tax bill;

(2) an unpaid surcharge under this subsection shall be, until paid, a lien on the real property on which it is imposed from the date it becomes payable; and

(3) the provisions of Title 14, Subtitle 8 of the Tax – Property Article that

apply to a tax lien shall also apply to a lien created under this subsection.

(d) A person who acquires property subject to a surcharge under this section assumes the obligation to pay the surcharge.

§1–1106.

(a) A county or municipality may issue bonds to finance loans made through a program.

(b) To issue a bond, a county or municipality shall adopt an ordinance or a resolution that specifies the maximum principal amount of the bond.

(c) In the ordinance or resolution, the county or municipality may:

(1) specify the items listed in subsection (d) of this section;

(2) authorize the finance board of the county or municipality to specify those items by ordinance or resolution; or

(3) authorize the chief executive to specify those items by executive order.

(d) For each issuance of a bond, the county or municipality may specify:

(1) the principal amount;

(2) the interest rate or, for floating or variable rates of interest, the method to determine the interest rate;

(3) the manner and terms of sale, including whether by competitive or negotiated sale;

(4) the time of execution, issuance, and delivery;

(5) the form and denomination;

(6) the source, manner, times, and places to pay principal or interest;

(7) conditions for redemption before maturity;

(8) the purposes for which proceeds may be spent;

(9) the source of security; and

(10) other provisions that are necessary or desirable to effect the program.

§1–1107.

(a) A county or municipality may incur general obligation debt for the purposes

under this subtitle.

(b) Subject to subsection (c) of this section, a county or municipality may issue bonds to finance loans made under a program in accordance with the procedures of the county or municipality for authorization to sell and issue other evidences of indebtedness.

(c) A bond issued in accordance with an ordinance or a resolution that pledges the full faith and credit of a county or municipality is subject to:

(1) any applicable requirement of the Maryland Constitution and the county's or municipality's charter and laws on referendum for the issuance of general obligation debt; and

(2) any limitation imposed by public general law, public local law, or charter on general obligation debt of the county or municipality.

§1–1108.

(a) A bond:

(1) may be in bearer form;

(2) may be registrable as to principal alone or as to both principal and interest; and

(3) is a security under § 8–102 of the Commercial Law Article, whether or not the bond is one of a class or series or is divisible into a class or series of instruments.

(b) (1) A bond shall be signed manually or in facsimile by the chief executive.

(2) An officer's signature or facsimile signature on a bond remains valid even if the officer leaves office before the bond is delivered.

(3) The seal of the county or municipality shall be affixed to the bond and attested to by the clerk or other similar administrative officer of the county or municipality.

(c) (1) A bond shall mature not later than 40 years after the date of issue.

(2) Bonds may be issued as serial bonds or term bonds with provisions for a mandatory sinking fund or other annual principal redemption beginning not later than 3 years after the date of issue.

(d) (1) A bond shall be sold in the manner, at public sale or private negotiated sale, and on the terms at, above, or below par, as the county or municipality considers best.

(2) A bond is not subject to §§ 19–205 and 19–206 of this article.

§1–1109.

(a) A bond, the transfer of a bond, the interest payable on a bond, the income derived from a bond, and the profit realized on the sale or exchange of a bond are exempt from State and local taxes.

(b) A county or municipality may issue bonds without regard to the federal tax status of the bonds.

§1–1110.

In an action involving the validity or enforceability of a bond or security for a bond, a finding by a county or municipality is conclusive as to:

(1) the public purpose of an action taken under this subtitle; and

(2) any other matter relating to the issuance of a bond.

§1–1201.

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

(b) "Distribute" means to:

(1) give, sell, deliver, dispense, or issue;

(2) offer to give, sell, deliver, dispense, or issue; or

(3) cause or hire any person to give, sell, deliver, dispense, or issue or offer to give, sell, deliver, dispense, or issue.

(c) (1) "Tobacco product" means a product containing tobacco.

(2) "Tobacco product" includes cigarettes, cigars, smoking tobacco, snuff, and smokeless tobacco.

§1–1202.

(a) This section applies only in:

(1) Carroll County; and

(2) Garrett County.

(b) This section does not apply to:

(1) the sale of a tobacco product from a vending machine that complies with State law;

(2) a tobacconist establishment that engages primarily in the sale of tobacco products other than cigarettes, as defined in § 16–101 of the Business Regulation Article; or

(3) a business that engages primarily in the retail sale of beer, wine, and liquor.

(c) A person who owns or operates a business that engages in the retail sale of a tobacco product may not store or display a tobacco product unless the tobacco product:

(1) is not immediately accessible to customers; and

(2) is accessible only to the owner or operator of the business or an agent of the owner or operator.

(d) A person who violates subsection (c) of this section commits a civil infraction and is subject to a civil penalty of:

(1) $100 for the first violation; and

(2) $300 for any subsequent violation.

(e) A citation for a second violation may not be issued within 30 days after the date of the first citation.

(f) After a citation is issued for a second violation, a citation may be issued each day that the violation continues after the date of the second citation.

§1–1203.

(a) This section applies only in:

(1) Carroll County;

(2) Cecil County;

(3) Garrett County; and

(4) St. Mary's County.

(b) Subsection (c)(3) of this section does not apply to the distribution of a coupon that is redeemable for a tobacco product if the coupon:

(1) is contained in a newspaper, magazine, or other type of publication and the coupon is incidental to the primary purpose of the publication; or

(2) is sent through the mail.

(c) A person may not:

(1) distribute a tobacco product to a minor, unless the minor is acting solely as the agent of the minor's employer who is engaged in the business of distributing tobacco products;

(2) distribute cigarette rolling papers to a minor; or

(3) distribute to a minor a coupon redeemable for a tobacco product.

(d) A person has not violated this section if:

(1) the person examined the driver's license or other valid government–issued identification presented by the recipient of a tobacco product, cigarette rolling paper, or coupon redeemable for a tobacco product; and

(2) the license or other identification positively identified the recipient as being at least 18 years old.

(e) (1) In Carroll County and St. Mary's County, a person who violates this section commits a civil infraction and is subject to a civil penalty of:

(i) $300 for the first violation; and

(ii) $500 for any subsequent violation within 24 months after the previous citation.

(2) In Cecil County, a person who violates this section commits a civil infraction and is subject to a civil penalty of:

(i) $300 for the first violation;

(ii) $500 for a second violation; and

(iii) $750 for any subsequent violation.

(3) In Garrett County, a person who violates this section commits a civil infraction and is subject to a civil penalty not exceeding $300.

§1–1204.

(a) (1) Except as otherwise provided in paragraph (2) of this subsection, a county health officer or a designee of a county health officer may issue a civil citation to a person who violates this subtitle.

(2) In Cecil County, only a sworn law enforcement officer may issue a civil citation to a person who violates this subtitle.

(b) A citation issued under this subtitle shall include:

(1) the name and address of the person charged;

(2) the nature of the violation;

(3) the location and time of the violation;

(4) the amount of the civil penalty;

(5) the manner, location, and time in which the civil penalty may be paid;

(6) the cited person's right to elect to stand trial for the violation; and

(7) a warning that failure to pay the civil penalty or to contest liability in a timely manner in accordance with the citation:

(i) is an admission of liability; and

(ii) may result in an entry of a default judgment that may include the civil penalty, court costs, and administrative expenses.

(c) The county health officer or sworn law enforcement officer shall retain a copy of the citation.

§1–1205.

(a) (1) Except as otherwise provided in paragraph (2) of this subsection, a person who receives a citation under this subtitle may elect to stand trial for the violation by filing a notice of intention to stand trial with the county health officer at least 5 days before the date set in the citation for the payment of the civil penalty.

(2) In Cecil County, a person who receives a citation under this subtitle may elect to stand trial for the violation by filing a notice of intention to stand trial and a copy of the citation with the District Court at least 5 days before the date set in the citation for payment of the civil penalty.

(b) After receiving a notice of intention to stand trial under subsection (a)(1) of this section, the county health officer shall forward the notice and a copy of the citation to the District Court.

(c) After receiving the citation and notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

§1–1206.

(a) In a proceeding before the District Court, a violation of this subtitle shall be prosecuted in the same manner and to the same extent as a municipal infraction under §§ 6–108 through 6–115 of this article.

(b) The governing body of the county in which the violation occurred may authorize the county attorney to prosecute a civil infraction under this subtitle.

§1–1207.

If the District Court finds that a person has committed a civil infraction under this subtitle, the court may assess the costs of the proceedings against the person.

§1–1208.

The District Court shall remit any penalties it collects for a violation of this subtitle to the county in which the violation occurred.

§1–1209.

Adjudication of a violation of this subtitle is not a criminal conviction for any purpose.

§1–1301.

(a) (1) In this section the following words have the meanings indicated.

(2) "Department" means the State Department of Assessments and Taxation.

(3) "Governing authority" means:

(i) the governing body of a county or municipality;

(ii) a board of directors; or

(iii) any other body that governs an entity to which this section applies.

(b) This section applies to the following governmental entities:

(1) counties;

(2) municipalities;

(3) bicounty or multicounty agencies;

(4) public authorities;

(5) special taxing districts; and

(6) any other political subdivision or unit of a political subdivision of the State.

(c) Each governmental entity shall have a resident agent who is:

(1) a resident of the State;

(2) a Maryland corporation; or

(3) an officer of the governmental entity.

(d) A governmental entity shall designate or change its resident agent by filing for record with the Department:

(1) a certification of the person who the charter of the governmental entity authorizes to accept service of process for the governmental entity; or

(2) absent a charter designation, a certified copy of a resolution of the governmental entity's governing authority that authorizes the designation.

(e) (1) A governmental entity may change the address for its resident agent by filing for record with the Department a statement of the change signed by the chair or other principal officer of the governing authority of the governmental entity.

(2) A resident agent whose address changes may notify the Department by filing for record with the Department a statement of the change signed by or for the resident agent.

(f) A resident agent may resign by filing a statement of resignation with the Department.

(g) There is no fee for a filing under this section.

(h) A designation, change of agent, change of address, or resignation is effective as provided in the Corporations and Associations Article for a corporate resident agent.

(i) (1) Service of process on the resident agent of a governmental entity constitutes effective service of process under the Maryland Rules on the governmental entity in an action brought against the governmental entity.

(2) Any notice required by law to be served by personal service on the resident agent or any other agent or officer of a governmental entity may be served in the manner provided by the Maryland Rules that relate to service of process on governmental entities.

(3) Service under the Maryland Rules is equivalent to personal service on the resident agent or other agent or officer of a governmental entity.

§1–1302.

(a) Subject to subsection (c) of this section, if a State law or regulation requires a county or municipality to adopt legislation or a regulation at least as strict or effective as the applicable State law or regulation, the county or municipality may adopt the State law or regulation by reference.

(b) If a county or municipality adopts a State law or regulation by reference, the county or municipality shall specify:

(1) whether it also adopts by reference any amendments to the State law or regulation effective after the local adoption of the State law or regulation by reference; and

(2) any exceptions to the State law or regulation if the State law or regulation authorizes local options.

(c) The authorization under subsection (a) of this section:

(1) does not affect any requirement that a county or municipality form and maintain a local program, plan, or standard, including implementation and enforcement processes, required under any State law or any regulation adopted under the authority of that law; and

(2) if a State law or regulation adopted under the authority of that law authorizes local options, does not grant more authority than is granted by that law or regulation.

§1–1303.

(a) In this section, "regulation" has the meaning stated in § 10–101 of the State Government Article.

(b) This section does not apply to a unit of State government.

(c) Each governmental and quasi–governmental unit shall compile, index, and publish its regulations that affect a member of the general public.

§1–1304.

(a) In this section, "civil penalty" means a civil fine or other monetary penalty administratively imposed.

(b) Unless otherwise provided by statute, ordinance, or regulation, an officer or unit of a county, municipality, bicounty agency, or board of license commissioners authorized by law to impose a civil penalty up to a specific dollar amount for violation of a statute, ordinance, or regulation shall consider the following in setting the amount of the civil penalty:

(1) the severity of the violation;

(2) the good faith of the violator; and

(3) any history of prior violations.

§1–1305.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Fair market value" means a value that:

1. is determined by a schedule adopted by the Department of Transportation; and

2. includes the value of the integral parts of an outdoor advertising sign, less depreciation.

(ii) "Fair market value" does not include loss of revenue.

(3) (i) "Outdoor advertising sign" means an off–premises outdoor sign that is:

1. commercially owned and maintained; and

2. used to advertise goods or services for sale in a location other than the location where the sign is placed.

(ii) "Outdoor advertising sign" includes a sign composed of painted bulletin or poster panel, generally referred to as a billboard.

(b) A county or municipality shall pay the fair market value of an outdoor advertising sign that:

(1) was lawfully erected and maintained under a State, county, or municipal law or ordinance; and

(2) is removed or required to be removed by the county or municipality.

§1–1306.

(a) In this section, "covered employee" has the meaning stated in § 9–101 of the Labor and Employment Article.

(b) Before a county or municipality may issue a license or permit to an employer to engage in an activity in which the employer may employ a covered employee, the employer shall file with the issuing authority:

(1) a certificate of compliance with the Maryland Workers' Compensation Act; or

(2) the number of a workers' compensation insurance policy or binder.

§1–1307.

The population count used after each decennial census to create the legislative districts that are used to elect the governing body of a county or a municipality:

(1) may not include individuals who:

(i) were incarcerated in State or federal correctional facilities, as determined by the decennial census; and

(ii) were not residents of the State before their incarceration; and

(2) shall include individuals incarcerated in State or federal correctional facilities, as determined by the decennial census, at their last known residence before incarceration if the individuals were residents of the State.

§1–1308.

To support, foster, or promote an affordable housing program for individuals or families of low or moderate income, a county or municipality may:

(1) establish local trust funds or appropriate funds;

(2) waive or modify building permit or development impact fees and charges that are not mandated under State law for the construction or rehabilitation of lower income housing units:

(i) in proportion to the number of lower income housing units of a development; and

(ii) 1. that are financed, wholly or partly, by public funding that requires mortgage restrictions or recorded covenants restricting the rental or sale of the housing units to lower income residents in accordance with specific government program requirements; or

2. that are developed by a nonprofit organization that:

A. has been exempt from federal taxation under § 501(c)(3) of the Internal Revenue Code for at least 3 years; and

B. requires the homebuyer to participate in the construction or rehabilitation of the housing unit;

(3) enact legislation that restricts cost and resale prices and requires development of affordable housing units as part of any subdivision in return for added density;

(4) provide land or property from the inventory of the county or municipality; and

(5) support PILOT (payment in lieu of taxes) programs to encourage construction of affordable housing.

§1–1309.

(a) In this section, "electric company" has the meaning stated in § 1–101 of the Public Utilities Article.

(b) This section applies to all counties and municipalities.

(c) On written request by a county or municipality, an electric company shall sell to the county or municipality some or all of the electric company's existing street lighting equipment that is located in the county or municipality.

(d) If the county or municipality purchases street lighting equipment from an electric company, the county or municipality shall pay to the electric company the fair market value of the street lighting equipment.

(e) A county or municipality that purchases street lighting equipment in accordance with this section:

(1) shall be responsible for the maintenance of the street lighting equipment; and

(2) may contract with an outside entity for the maintenance of the street lighting equipment.

(f) (1) Any person who controls the right to use space on any pole, lamppost, or other mounting surface previously used in the county or municipality by the electric company for street lighting equipment shall allow a county or municipality that has purchased the street lighting equipment to assume the rights and obligations of the electric company with respect to the space for the unexpired term of any lease or other agreement under which the electric company used the space.

(2) Notwithstanding paragraph (1) of this subsection, the county or municipality may not restrict or prohibit universal access for electricity or any other service by assuming the rights and obligations of an electric company as to space on any pole, lamppost, or other mounting surface used for street lighting equipment.

(3) Any dispute between an electric company and a county or municipality arising under this subsection shall be submitted to the Public Service Commission for resolution.

§1–1310.

(a) In this section, "swimming pool" means a pool that is owned and operated by the governing body of a county or municipality.

(b) (1) Each county or municipality that owns or operates a swimming pool shall develop and implement an automated external defibrillator program that meets the requirements of § 13–517 of the Education Article for each swimming pool owned or operated by the county or municipality.

(2) The program required under paragraph (1) of this subsection shall include provisions that:

(i) ensure an automated external defibrillator is provided on–site; and

(ii) an individual trained in the operation and use of an automated external defibrillator is present at each swimming pool.

(c) The Department of Health and Mental Hygiene and the Maryland Institute for Emergency Medical Services Systems jointly shall adopt regulations that:

(1) establish guidelines for periodic inspections and annual maintenance of the automated external defibrillators; and

(2) assist each county or municipality in carrying out the provisions of this section.

§1–1311.

(a) A county or municipality, in developing a construction or improvement project involving a bridge or other transportation facility that is adjacent to or crosses a waterway, shall consider any reasonable and appropriate measures to provide or improve in the vicinity of the bridge or other transportation facility water access for fishing, canoeing, kayaking, or any other nonmotorized water dependent recreational activity.

(b) A county or municipality, in consultation with the Department of Natural Resources and interested stakeholders, shall establish:

(1) standards and guidelines for identifying appropriate bridges and other transportation facilities to be considered for the provision or improvement of water access under this section; and

(2) best practices and cost effective strategies for accommodating water access under this section.

§4–101.

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

(b) "Municipal charter" means a charter adopted under Article XI–E of the Maryland Constitution and a local law enacted by the General Assembly relating to

the incorporation, organization, government, or affairs concerning administration and services of a municipality.

(c) "Qualified voter" means an individual authorized under a municipal charter to vote in elections in the municipality.

§4–102.

There is one class of municipalities in the State, and every municipality is a member of that class.

§4–103.

(a) The residents of a municipality are a municipal corporation.

(b) Under the municipality's corporate name, the municipality:

(1) has perpetual succession;

(2) may sue and be sued; and

(3) may enact and adopt ordinances, resolutions, or bylaws necessary to exercise the authority of the municipality.

§4–104.

(a) In this section, "special district" means a special tax area or district, sanitary district, park or planning district, soil conservation district, or public agency exercising specific powers in a defined area that does not exercise general municipal functions.

(b) (1) Except as provided in paragraph (2) of this subsection, a municipality located in a special district may not exercise, divest, or duplicate in the municipality's corporate limits any special power or duty conferred on the special district.

(2) Subject to the consent of the special district, a municipality may, within its corporate limits, provide recreational facilities within a special district's jurisdiction.

(c) A municipality may not exempt an area from any property tax, special benefit assessment, or service charge imposed to support a special district.

(d) A local law conferring a special power or duty on a special district does not authorize the special district to exercise that power or perform that duty in an area where a municipality continues to exercise the power or perform the duty.

(e) A municipality may not amend or repeal its charter or exercise its powers of annexation or incorporation as to affect the power of:

(1) the Maryland–National Capital Park and Planning Commission, relating to zoning; or

(2) the Washington Suburban Sanitary Commission, relating to sanitation, including sewer, water, and similar facilities.

(f) Article XI–E of the Maryland Constitution, this division, and Division I of the Land Use Article do not authorize a municipality, through procedures under this title or other changes in the municipal charter, to exercise planning authority, subdivision control, or zoning jurisdiction in a political subdivision in which a State, regional, or county unit exercises planning authority, subdivision control, or zoning jurisdiction.

§4–105.

The legislative body of a municipality may not adopt an ordinance, a resolution, a rule, or a regulation at a meeting not open to the public, except in accordance with the Open Meetings Act.

§4–106.

(a) The legislative body of a municipality may set a date and establish procedures for submitting to the qualified voters of the municipality at a regular or special municipal election a local law, enacted under Article XI–E, § 5 of the Maryland Constitution, that sets a maximum property tax rate or a maximum amount of debt that may be incurred by the municipality.

(b) The legislative body of a municipality may take necessary action to ensure that a local law setting a maximum property tax rate or a maximum amount of debt that may be incurred by the municipality does not take effect without approval by a majority of those who voted on the question at a regular or special municipal election.

§4–107.

A municipality may not require an individual to own or control an interest in property to participate in an election or hold office in the municipality.

§4–108.

(a) A qualified voter may vote in a municipal election by absentee ballot.

(b) A municipality shall provide a procedure to vote by absentee ballot.

(c) A municipality may use any method to enable absentee voters to vote, including using any facilities to transmit and receive applications for absentee ballots.

§4–108.1.

As to voting in a municipal election:

(1) a person is subject to the offenses and penalties related to voting

specified under § 16–201 of the Election Law Article; and

(2) the State Prosecutor or the State's Attorney for the county in which the municipal election was held and where the offense is alleged to have occurred may prosecute the person for the offense.

§4–108.2.

If a municipality requires candidates in a municipal election to file campaign finance reports, within 10 days after the filing deadline, each candidate in the municipal election shall submit to the State Board of Elections a copy of the campaign finance report that was filed by the candidate.

§4–108.3.

(a) (1) In this section the following words have the meanings indicated.

(2) "Ballot" means a ballot prepared by the State Board of Elections under Title 9 of the Election Law Article.

(3) "State Board" means the State Board of Elections.

(b) A municipality may request that the State Board include on a ballot the offices and questions to be voted on in a municipal election.

(c) (1) A municipality that makes a request under this section shall:

(i) file the request with the State Board on or before the day that is 18 months before the deadline date applicable for individuals who are required to file a certificate of candidacy as required under § 5–303 of the Election Law Article; and

(ii) certify as part of the request that the charter of the municipality requires, and the municipality has established, deadlines and procedures for the administration of municipal elections for the municipality that are consistent with the deadlines and procedures for State and county elections established by the State Board with regard to:

1. the filing of certificates of candidacy;

2. the filling of a vacancy in office;

3. the filing of a petition; and

4. the certification of a ballot question.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if the State Board previously included a municipal election on the ballot, that municipality's elections may continue to appear on the ballot without the municipality filing an additional request under this section.

(ii) A municipality shall file a request under this section if, since the municipality's election last appeared on the ballot, there has been a significant change in the method the municipality uses to conduct its elections.

(3) Within 30 days after receipt of a municipality's request under this section, the State Board, after consultation with the local board in the county where the municipality is located, shall notify the municipality of its decision whether to include the municipal election on the ballot.

(d) If the State Board approves a municipality's request under this section, the State Board shall:

(1) include the offices and questions at the end of the ballot; and

(2) arrange the offices and questions in a similar order as other offices and questions are arranged on the ballot.

(e) A municipality shall reimburse the State Board and the applicable local board for any additional costs incurred by the State Board or local board on account of including the offices and questions to be voted on in a municipal election on the ballot.

§4–109.

(a) (1) If the governing body of a municipality creates, or causes the creation of, a document listed in paragraph (2) of this subsection, the chief executive officer of the municipality shall submit one copy of the document to the Department of Legislative Services by mail.

(2) A municipality shall submit:

(i) a code or compilation containing all or part of the municipal charter;

(ii) in accordance with § 4–308 of this title, a charter amendment passed by the legislative body of the municipality or adopted by referendum, including the complete text of the amendment, the date of any referendum, the number of votes cast for and against the amendment by the legislative body or in a referendum, and the effective date of the amendment;

(iii) in accordance with § 4–303(b), (c), and (e) of this title, a complete list of measures that add, amend, or repeal sections in a municipal charter, including each charter section affected, by number and title;

(iv) in accordance with § 4–414(a) of this title, a charter amendment, a resolution, a referendum, or any other document that changes the boundaries of the municipality, including a copy of the complete text of the document with a statement of the new boundaries, the date of any referendum, the number of votes cast for and against the annexation by the legislative body or in a referendum, and the effective

date of the annexation;

(v) in accordance with § 4–508(b) of this title, a unified charter for merging municipalities, including the complete text of the unified charter, the date of any referendum, the number of votes cast for and against the adoption of the unified charter by the legislative bodies or a referendum, and the effective date of the unified charter;

(vi) in accordance with § 4–214(a) of this title, a charter creating a municipality, including the complete text of the charter, the date of the referendum, the number of votes cast for and against the charter, and the effective date of the charter;

(vii) in accordance with § 4–313(a), (b), and (c) of this title, a charter amendment repealing the entire municipal charter passed by the legislative body of the municipality or adopted by referendum, including the complete text of the amendment, the date of any referendum, the number of votes cast for and against the amendment by the legislative body or in a referendum, and the effective date of the amendment; and

(viii) in accordance with § 4–310(d) of this title, a statement on the results of any referendum on a proposed charter amendment held during the year, or any actual or potential pending referendum that had not been held by the end of the year.

(b) The chief executive officer of each municipality shall send to the Department of Legislative Services:

(1) any charter amendment resolution within 10 days after the resolution becomes effective under § 4–304(c) or § 4–307(e) of this title; and

(2) any annexation resolution within 10 days after the resolution becomes effective under § 4–407 or § 4–412(d) of this title.

(c) The Department of Legislative Services shall forward each document the Department receives under this division to the State Archives at least once each year for permanent storage.

§4–110.

(a) (1) In this section, "ordinance" means a legislative enactment of general application and continuing force for a municipality.

(2) "Ordinance" does not include a public local law under § 9–102 of this article.

(b) Each year, if a municipality enacts any ordinance appropriate for codification during the year, the governing body of a municipality shall provide for the preparation and distribution of a supplement to or new edition of its code of ordinances.

(c) (1) A supplement published under subsection (b) of this section shall contain each ordinance that is in effect and has been enacted or amended since the municipality's most recent code of ordinances was published.

(2) A new code published under subsection (b) of this section shall contain each ordinance that is in effect at the time of publication.

§4–111.

(a) In this section, "legislation" means any form of county or municipal legislative enactment, including a law, an ordinance, a resolution, or any action by which a county budget is adopted.

(b) Except as provided in subsection (c) of this section, legislation enacted by a county does not apply in a municipality located in the county if the legislation:

(1) by its terms, exempts the municipality;

(2) conflicts with legislation of the municipality enacted under a grant of legislative authority provided by public general law or the municipal charter; or

(3) (i) relates to a subject on which a public general law or the municipal charter grants the municipality legislative authority; and

(ii) the municipality by ordinance or charter amendment:

1. specifically exempts itself from the county legislation; or

2. generally exempts itself from county legislation covered by the type of grant of authority to the municipality.

(c) The following categories of county legislation, if within the scope of legislative powers granted to a county by the General Assembly, apply in all municipalities in the county:

(1) county legislation made applicable to all municipalities in the county under a law enacted by the General Assembly;

(2) county revenue or tax legislation, subject to Title 16, Subtitle 5 and Title 20 of this article, the Tax – General Article, and the Tax – Property Article, or legislation adopting a county budget; and

(3) subject to subsection (e) of this section, county legislation that is enacted in accordance with county requirements for legislation that is to become effective immediately and for which the legislative body of the county:

(i) makes a specific finding based on evidence of record after a hearing held under item (ii) of this item that there will be significant adverse impact on

the public health, safety, or welfare affecting residents of the county in unincorporated areas if the legislation does not apply in all municipalities in the county;

(ii) conducts a public hearing at which all municipalities in the county and any interested persons have an opportunity to be heard;

(iii) 1. provides notice of the hearing by certified mail to all municipalities in the county at least 30 days before the hearing; and

2. publishes notice in a newspaper of general circulation in the county for 3 successive weeks, beginning at least 30 days before the hearing; and

(iv) enacts the county legislation by an affirmative vote of at least two–thirds of the authorized membership of the county legislative body.

(d) (1) County legislation enacted in accordance with subsection (c)(3) of this section is subject to judicial review by the circuit court of the county, in accordance with the Maryland Rules governing appeals from administrative agencies, of:

(i) the finding made under subsection (c)(3)(i) of this section; and

(ii) the legislation's applicability to municipalities located in the county.

(2) An appeal under this subsection shall be filed within 30 days after the effective date of the county legislation.

(3) In a judicial proceeding under this subsection, the only issues that may be considered are whether the county legislative body:

(i) complied with the procedures of subsection (c)(3) of this section; and

(ii) had sufficient evidence from which a reasonable person could conclude that there will be a significant adverse impact on the public health, safety, or welfare affecting residents of the county in unincorporated areas if the county legislation does not apply in all municipalities in the county.

(4) The court shall decide the issues under paragraph (3) of this subsection without a jury.

(5) If a court reverses a legislative body's finding under subsection (c)(3)(i) of this section:

(i) the legislation shall continue to apply in unincorporated areas of the county; and

(ii) the applicability of the legislation in a municipality is governed

by subsection (b) of this section.

(6) A county or municipality in the county may appeal the decision of a circuit court in a proceeding under this subsection to the Court of Special Appeals.

(e) County legislation enacted in accordance with subsection (c)(3) of this section does not apply, or becomes inapplicable, in a municipality that has enacted or enacts municipal legislation that:

(1) covers the same subject matter and furthers the same policies as the county legislation;

(2) is at least as restrictive as the county legislation; and

(3) includes provisions for enforcement.

(f) (1) By ordinance, a municipality may request and authorize the county in which it is located to administer or enforce any municipal legislation.

(2) After a municipality enacts an ordinance under paragraph (1) of this subsection, a county may administer or enforce the municipal legislation on mutually agreed terms.

(g) The other provisions of this article are considered amended as provided in this section.

§4–201.

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

(b) "County liaison" means a county official, or the designee of the county official, who coordinates communication between the organizing committee and the county.

(c) "Organizing committee" means the group of individuals from the organizing community that works with the county commissioners or county council on the proposed municipal incorporation after a petition for incorporation is verified.

(d) "Organizing community" means individuals residing in an unincorporated area who are interested in forming a municipality.

§4–202.

This subtitle governs municipal incorporation.

§4–203.

An area proposed to be incorporated shall contain at least 300 residents before the organizing community may proceed under this subtitle.

§4–204.

(a) A proposal to incorporate an area as a municipality is initiated when a valid petition is presented to the county commissioners or county council of a county by:

(1) at least 25% of the registered voters who are residents of the area proposed to be incorporated; or

(2) at least 20% of the registered voters who are residents of the area proposed to be incorporated, together with the owners of at least 25% of the assessed valuation of the real property of the area proposed to be incorporated.

(b) The Office of the Attorney General shall:

(1) create a standard petition form for use by an organizing community; and

(2) provide the board of elections of each county with the form for distribution to an organizing community.

(c) A petition presented under subsection (a) of this section shall:

(1) express the interest of the subscribing individuals in the incorporation of the area;

(2) contain a detailed description of the boundaries of the area proposed to be incorporated, including a survey of courses and distances or general landmarks and place names;

(3) state the name of the new municipality, which may not be the same as a name used by a municipality or county in the State; and

(4) state the names of the individuals who will initially represent the organizing community on the organizing committee.

(d) The organizing community shall obtain the minimum number of valid signatures required under subsection (a) of this section within 18 months after the organizing community receives the standard petition form from the county board of elections.

(e) Each person signing the petition shall indicate on the petition:

(1) the person's name and residence address; and

(2) if the petition is intended to be presented under subsection (a)(2) of this section and the person signing the petition owns real property in the area proposed to be incorporated, the location and assessed valuation of the property.

(f) Within 60 days after receiving a petition, the county commissioners or

county council shall:

(1) verify that each person who signed the petition:

(i) resides in the area proposed to be incorporated;

(ii) is registered to vote in the elections of that county; and

(iii) if applicable, owns real property within the area proposed to be incorporated;

(2) verify that the petition meets the requirements of this section; and

(3) appoint a county liaison if the petition meets the requirements of this section.

(g) A petition, when received, becomes the property of the county commissioners or county council and may not be used to initiate another incorporation.

(h) A proposal to incorporate a municipality and to adopt a municipal charter may not be rescinded after the formal submission of the proposal in a manner other than that of a formal charter repeal as provided in §§ 4–313 and 4–314 of this title.

§4–205.

(a) (1) Within 90 days after the county commissioners or county council has verified that a petition presented under § 4–204 of this subtitle is valid, the organizing committee shall:

(i) actively seek information and input from the county;

(ii) hold a public meeting to collect testimony on the proposed incorporation; and

(iii) provide the county commissioners or county council with a report on issues related to the proposed incorporation.

(2) During the 90–day period, the county shall cooperate fully with the organizing committee.

(b) The organizing committee shall:

(1) notify the county liaison of all meetings and deliberations of the organizing committee; and

(2) give the county liaison full opportunity to participate in all meetings and deliberations of the organizing committee.

(c) Within 45 days after receiving the report required under subsection (a)(1)(iii)

of this section, the county commissioners or county council or its designee may review the report and provide comments to the organizing committee on issues relating to the proposed incorporation.

§4–206.

(a) The organizing committee shall present to the county commissioners or county council a proposed municipal charter:

(1) within 45 days after receiving the comments submitted to the organizing committee under § 4–205(c) of this subtitle; or

(2) if the county commissioners or county council has not submitted comments, within 90 days after the report is submitted by the organizing committee under § 4–205(a)(1)(iii) of this subtitle.

(b) The organizing committee shall submit statements with the proposed municipal charter describing:

(1) the likely fiscal effect of the proposed incorporation on residents of the proposed municipality, residents in the vicinity of the proposed municipality, and the county;

(2) the services that the proposed municipality is expected to provide; and

(3) the impact that the proposed incorporation is expected to have on property tax rates.

§4–207.

(a) (1) If the county commissioners or county council approves the referendum request, between 40 and 60 days after it receives the proposed municipal charter, the county commissioners or county council shall specify, by resolution, the day and hours for a vote on the proposed incorporation by the voters of the area to be incorporated.

(2) The resolution shall include the exact text of the proposed municipal charter as submitted by the organizing committee.

(b) (1) If the county commissioners or county council rejects the referendum request, the county commissioners or county council shall:

(i) provide in writing and make available to the public within a reasonable time the reasons for the rejection; and

(ii) establish reasonable procedures by which the county commissioners or county council shall reconsider a referendum request, including an opportunity for a public hearing with sufficient advance public notice.

(2) After the hearing and reconsideration process is completed, the county commissioners or county council, by resolution, shall affirm the rejection or approve the referendum request.

§4–208.

(a) The county commissioners or county council shall notify the voters of the area proposed to be incorporated by posting and publication of the proposal to incorporate, including a fair summary of the proposed municipal charter.

(b) For at least 4 weeks immediately before the referendum, the county commissioners or county council shall make available an exact copy of the proposed municipal charter for public inspection at its office.

(c) The county commissioners or county council shall publish notice of the referendum, together with a fair summary of the proposed municipal charter, in a newspaper of general circulation in the area proposed to be incorporated at least once a week during the 4 weeks immediately before the referendum.

(d) On the day of the referendum, the county commissioners or county council shall make available an exact copy of the proposed municipal charter for public inspection at each place for voting on the referendum.

§4–209.

(a) Except as expressly or necessarily modified by this subtitle, a referendum shall be conducted generally according to the procedures and practices for regular countywide elections.

(b) (1) On the day and during the hours specified for the referendum, the question of incorporation under the proposed municipal charter shall be submitted to the registered voters of the area proposed to be incorporated.

(2) The county board of elections shall arrange for and conduct the referendum.

(3) The wording specified by the county commissioners or county council in the resolution authorizing a referendum on the question of the proposed incorporation shall be placed on the ballots used at the referendum.

(c) Promptly after the canvass is complete, the county board of elections shall certify the results to the county commissioners or county council.

(d) Within 10 days after receiving a certification of the vote on the referendum from the county board of elections:

(1) if a majority of those who voted on the question voted in favor of incorporation under the proposed municipal charter:

(i) the county commissioners or county council publicly shall so proclaim; and

(ii) on the 30th day after the public proclamation, the area proposed to be incorporated shall become a municipality operating under the municipal charter; or

(2) if less than a majority of those who voted on the question voted in favor of incorporation under the proposed municipal charter:

(i) the county commissioners or county council publicly shall so proclaim; and

(ii) the proclamation shall state that the proposed incorporation is not approved.

§4–210.

(a) An election of officers for a proposed municipality shall be conducted at the same time and place as the referendum on the question of incorporation and is subject to the same procedures and practices.

(b) An individual may not be initially nominated or elected to a municipal office unless the individual qualifies under the requirements specified for that office in the proposed municipal charter.

(c) (1) A candidate for an elected office of a proposed municipality shall be nominated by a certificate of nomination filed by the candidate with the county board of elections.

(2) The certificate of nomination shall include:

(i) the name and residence address of the candidate; and

(ii) the office that the candidate seeks.

(d) After certificates of nomination by candidates for municipal office are filed, the county board of elections shall prepare ballots to allow the registered voters of the area proposed to be incorporated to vote on the candidates who are nominated under this section.

§4–211.

(a) Casting a vote against the proposed incorporation does not prevent the voter from voting for a candidate for a municipal office.

(b) The county board of elections shall:

(1) tally the votes cast for candidates to a municipal office; and

(2) certify the results to the county commissioners or county council.

(c) If less than a majority of those who voted on the question voted in favor of incorporation under the proposed municipal charter, the votes cast for candidates for a municipal office are void.

§4–212.

(a) The county commissioners or county council publicly shall proclaim that a candidate who received a plurality of the votes cast for an office has been elected to that office.

(b) A candidate proclaimed by the county commissioners or county council to have been elected to an office shall become an officer of the municipality when the municipal charter takes effect.

(c) (1) If no individual is nominated for a municipal office, a candidate elected to an office is unable to assume the office, or for any other reason no candidate is elected to fill an office, the county commissioners or county council shall appoint a resident of the municipality to the office.

(2) When appointed to an office as provided in paragraph (1) of this subsection, a resident shall hold the office as if elected.

§4–213.

(a) Subject to subsection (b) of this section, the county commissioners or county council shall pay for:

(1) the referendum;

(2) the original election of officers required under § 4–210 of this subtitle; and

(3) the reasonable costs of third party consultants hired by the county commissioners or county council to analyze issues related to the proposed incorporation.

(b) If the referendum results in incorporation, the municipality shall repay the expenses specified in subsection (a) of this section to the county within 1 year after the incorporation takes effect.

(c) After 1 year from the effective date of the incorporation, the county commissioners or county council may withhold any payment due to the municipality to satisfy any unpaid expense specified in subsection (a) of this section.

§4–214.

(a) When the public proclamation under § 4–209(d) of this subtitle is made,

the county commissioners or county council shall send the information concerning the municipal charter to the Department of Legislative Services, as provided in § 4–109 of this title.

(b) The municipal charter is subject to the requirements of §§ 4–310 and 4–311 of this title, including the printing and indexing in the laws enacted by the General Assembly.

(c) The exact text of the municipal charter, including any amendments, shall be included in any edition or codification of the municipal charter.

§4–215.

If a referendum held under this subtitle results in the creation of a new municipality, the local income tax payments authorized under § 2–607 of the Tax – General Article shall be distributed to the municipality as follows, unless the county commissioners or county council agrees to an accelerated payment schedule:

(1) in the first full fiscal year after the municipal incorporation takes effect, one–third of the distribution otherwise required under § 2–607 of the Tax – General Article;

(2) in the second fiscal year after the municipal incorporation takes effect, two–thirds of the distribution otherwise required under § 2–607 of the Tax – General Article; and

(3) in the third fiscal year after the municipal incorporation takes effect and each subsequent fiscal year, all of the distribution required under § 2–607 of the Tax – General Article.

§4–216.

(a) A new municipality that is eligible to assume planning and zoning authority and the county commissioners or county council shall cooperate in developing the first comprehensive land use plan of the municipality.

(b) Unless the county commissioners or county council expressly approves otherwise, the initial zoning designations used by the municipality shall comply with §§ 4–104(e) and 4–516 of this title, including the 5–year zoning classification restriction.

§4–301.

A municipality shall act in accordance with this subtitle in exercising the powers to amend its municipal charter that are granted under Article XI–E of the Maryland Constitution.

§4–302.

An amendment to a municipal charter may be initiated by:

(1) the legislative body of the municipality as provided in § 4–304 of this subtitle; or

(2) a petition of the qualified voters of the municipality as provided in § 4–305 of this subtitle.

§4–303.

(a) In conformity with the requirement imposed on the General Assembly under Article III, § 29 of the Maryland Constitution:

(1) a resolution or petition to amend a municipal charter shall contain the exact text of the proposed charter amendment, prepared so that each provision is shown as the provision would read when amended or enacted;

(2) except as provided in subsection (e)(2) of this section, a provision of a municipal charter may not be amended by reference to its title or citation only; and

(3) a municipal charter amendment shall:

(i) embrace one subject only; and

(ii) describe the subject in its title.

(b) A proposed amendment shall identify the provision to be amended by citing the code or other publication or amendment in which the most recent text of the provision appears.

(c) Proposed amendments shall be in a consecutively numbered series.

(d) A proposed amendment shall provide specifically for the repeal of a provision of the municipal charter that is inconsistent with the amended provision.

(e) (1) In a proposal to amend a municipal charter:

(i) each addition shall be underscored, italicized, or shown in capital letters;

(ii) subject to paragraph (2) of this subsection, each provision to be repealed shall be enclosed in double parentheses or boldface brackets; and

(iii) each new section shall be underscored, italicized, or shown in capital letters or contain some marginal or other notation to that effect.

(2) Each entire section to be repealed need not be written out in full and

enclosed in double parentheses or boldface brackets.

§4–304.

(a) The legislative body of a municipality may initiate a proposed amendment to the municipal charter by a resolution that, except as otherwise provided in this subtitle, is adopted in the same manner as other resolutions in the municipality by a majority of all the individuals elected to the legislative body.

(b) The chief executive officer of the municipality shall give notice of the resolution that proposes an amendment to the municipal charter by:

(1) posting an exact copy of the resolution at the main municipal building or other public place for the 40 days after the resolution is adopted; and

(2) publishing a fair summary of the proposed amendment in a newspaper of general circulation in the municipality:

(i) at least four times;

(ii) at weekly intervals; and

(iii) within the 40 days after the resolution is adopted.

(c) Unless a petition meeting the requirements of subsection (d) of this section is presented to the legislative body of a municipality on or before the 40th day after the legislative body adopts a charter amendment resolution, the amendment shall take effect as a part of the municipal charter on the 50th day after the resolution is adopted.

(d) (1) A petition for a referendum on a proposed charter amendment shall:

(i) be signed by at least 20% of the qualified voters for the municipal general election; and

(ii) request that the proposed amendment be submitted to referendum of the qualified voters of the municipality.

(2) Each individual signing the petition shall indicate on the petition the individual's name and residence address.

(3) The petition shall be delivered to the legislative body of the municipality by:

(i) presentment; or

(ii) certified mail, return receipt requested.

(4) (i) On receiving the petition, the legislative body shall verify that each individual who signed the petition is a qualified voter for the municipal general

election.

(ii) The petition has no effect if it is signed by less than 20% of the qualified voters for the municipal general election.

(5) If the petition complies with this section, the legislative body shall specify by resolution adopted in accordance with its normal legislative procedure:

(i) the day and hours for the referendum; and

(ii) the exact text that is to be placed on the ballot.

(6) (i) The legislative body may schedule the referendum for the next regular municipal general election or at a special election.

(ii) If the legislative body schedules a special election, it shall be held not less than 40 days or more than 60 days after the resolution scheduling the referendum is adopted.

§4–305.

(a) (1) By a petition presented to the legislative body of a municipality, at least 20% of the qualified voters for the municipal general election may initiate a proposed amendment to the municipal charter.

(2) Each individual signing the petition shall indicate on the petition the individual's name and residence address.

(b) (1) On receiving the petition, the legislative body shall verify that each individual who signed the petition is a qualified voter for the municipal general election.

(2) The petition has no effect if it is signed by less than 20% of the qualified voters for the municipal general election.

(c) If the legislative body approves of the amendment in the petition presented under subsection (a) of this section, the legislative body may adopt the proposed amendment by resolution and proceed in the same manner as if the amendment had been initiated by the legislative body and in compliance with §§ 4–303(a) and 4–304 of this subtitle.

(d) Except as provided in subsection (c) of this section, if the petition complies with this section, the legislative body, no later than 60 days after the petition is presented to the legislative body, shall specify by resolution adopted in accordance with its normal legislative procedure:

(1) the day and hours for the referendum; and

(2) the exact text that is to be placed on the ballot.

(e) (1) The legislative body may schedule the referendum for the next regular municipal general election or at a special election.

(2) If the legislative body schedules a special election, it shall be held not less than 40 days or more than 60 days after the resolution scheduling the referendum is adopted.

(f) The chief executive officer of the municipality shall give notice of a submission of a proposed charter amendment by:

(1) (i) posting an exact copy of the proposed amendment at the main municipal building or other public place for at least 4 weeks immediately preceding the referendum at which the question is to be submitted; and

(ii) on the day of the referendum, posting a similar copy at the place for voting; and

(2) publishing notice of the referendum and a fair summary of the proposed amendment in a newspaper of general circulation in the municipality at least once in each of the 4 weeks immediately preceding the referendum.

§4–306.

After a resolution is adopted by the legislative body or after its submission in a petition, a proposal to amend a municipal charter may not be rescinded in any manner except by another charter amendment.

§4–307.

(a) On the day and during the hours specified in the resolution for a referendum, the charter amendment shall be submitted to the qualified voters.

(b) (1) Except as otherwise provided in this subtitle, the referendum shall be conducted generally according to the procedures for regular municipal elections.

(2) The official who conducts the regular municipal election shall perform the same duties for the referendum.

(c) The municipality shall pay for the referendum.

(d) Promptly after the canvas is complete, the official who conducts the referendum shall certify the results to the chief executive officer of the municipality.

(e) Within 10 days after receiving the certification:

(1) if a majority of those who voted on the question voted for the proposed charter amendment:

(i) the chief executive officer of the municipality publicly shall so

proclaim; and

(ii) on the 30th day after the public proclamation, the charter amendment shall become part of the municipal charter; or

(2) if less than a majority of those who voted on the question voted for the proposed charter amendment:

(i) the chief executive officer of the municipality publicly shall so proclaim; and

(ii) the proclamation shall state that the charter amendment is not approved.

§4–308.

When a charter amendment becomes effective, the chief executive officer of the municipality shall send the information concerning the charter amendment to the Department of Legislative Services as provided in § 4–109 of this title.

§4–309.

The exact text of an amendment to a municipal charter then effective shall be included in any later edition or codification of the charter.

§4–310.

(a) (1) At the end of each calendar or fiscal year, each municipality shall compile a complete set of charter enactments of the municipality for that year.

(2) The charter enactments in the compilation shall be in a numerical sequence, beginning with No. 1, and in a separate series for each year.

(b) (1) Subject to paragraph (2) of this subsection, copies of the compilation shall be:

(i) kept on permanent record at the offices of the chief executive officer and legislative body of the municipality;

(ii) made available at those offices for inspection during regular business hours; and

(iii) provided by those offices without charge.

(2) The county in which the municipality is located may make other copies of the compilation available at a reasonable cost to any person.

(c) On or before March 1 of each year, the municipality shall provide without charge copies of the compilation to the Department of Legislative Services as provided

in § 4–109 of this title.

(d) Along with the compilation provided under subsection (c) of this section, the municipality shall provide to the Department of Legislative Services, as provided in § 4–109 of this title, a statement that includes information on any referendum on a proposed charter amendment.

§4–311.

(a) (1) At the end of each calendar year, the Department of Legislative Services shall ask each municipality whether any charter enactments have been adopted during that calendar year or the last fiscal year.

(2) The municipality promptly shall:

(i) answer the inquiry; and

(ii) verify, by a signed and notarized statement, that copies of the charter enactments already have been sent to the Department of Legislative Services.

(b) (1) The Department of Legislative Services promptly shall certify to the State Comptroller if a municipality does not comply with subsection (a) of this section or § 4–310(c) or (d) of this subtitle.

(2) If the Department of Legislative Services certifies noncompliance, the Comptroller may discontinue all funds, grants, or State aid that the municipality is entitled to under State law relating to:

(i) the income tax;

(ii) the tax on racing;

(iii) the recordation tax;

(iv) the admissions and amusement tax; and

(v) license taxes or fees.

(c) The Department of Legislative Services shall:

(1) arrange in a logical and convenient order the titles of the laws of the municipalities that amend the municipal charters;

(2) print each title, identified as a title of the laws of the municipality, in the Session Laws of the General Assembly for its regular session in that year; and

(3) index each title with or in a supplemental volume to the laws enacted by the General Assembly.

§4–312.

(a) The Department of Legislative Services shall compile the charters of all municipalities into a single publication.

(b) The Department of Legislative Services shall update the compilation of municipal charters on a regular basis.

§4–313.

(a) Except as provided in subsection (b) of this section, the repeal of an entire municipal charter, and the termination of the municipality, may be accomplished by a charter amendment adopted under this subtitle.

(b) The following need not contain the text of the municipal charter that is proposed for repeal and may simply state that the charter is proposed for repeal:

(1) the resolution of the legislative body of the municipality, or the petition of the qualified voters, proposing the repeal of the municipal charter;

(2) the posting and publication of the proposed repeal of the municipal charter; and

(3) the submission of the resolution proposing the repeal of the municipal charter and the favorable vote on the resolution to the Department of Legislative Services as provided in § 4–109 of this title.

(c) After a municipal charter is repealed, the charter may not be included in any later edition or codification of the public local laws of the county or State.

(d) The resolution or petition to initiate the repeal of a municipal charter may provide for the disposition of the assets of the municipality and the liquidation of any debt of the municipality.

(e) If no disposition is made in accordance with subsection (d) of this section, the county commissioners or county council of the county in which the municipality is located shall:

(1) succeed to full ownership, title, and control of the assets of the municipality after the municipal charter is repealed; and

(2) pay the debts and obligations of the municipality in accordance with the terms of the debts and obligations.

(f) While a municipal charter remains in effect, the county commissioners or county council of the county in which the municipality is located may provide, by written agreement with the municipality, when the repeal of the charter takes effect, for:

(1) the transfer of some or all of the assets of the municipality; and

(2) the assumption of some or all of the debts and obligations of the municipality.

(g) (1) To provide the revenue necessary to pay the debts and obligations of a municipality as of the time the municipal charter is repealed, the county commissioners or county council of the county in which the municipality is located shall:

(i) establish a special tax area with the same boundaries as the former municipality; and

(ii) impose a special tax or special assessment in the special tax area and collect the special tax or special assessment in the same manner as other county property taxes are collected.

(2) The proceeds of the tax or assessment shall be applied only to the debt and obligation of the former municipality.

(3) The tax or assessment shall be discontinued when all debts and obligations of the former municipality have been paid.

§4–314.

(a) If the following conditions are satisfied, the Executive Director of the Department of Legislative Services promptly shall certify all the facts to the Secretary of State:

(1) a municipality fails for 3 consecutive years to file with the Department of Legislative Services a comprehensive statement of financial condition as required under § 16–103 of this article;

(2) the Executive Director of the Department of Legislative Services has reasonable cause to believe the municipality is no longer actively operating as a municipality under its charter; and

(3) the Legislative Auditor certifies that the municipality has no debts or obligations outstanding and unpaid.

(b) (1) On receiving a certification under subsection (a) of this section, the Secretary of State shall issue a public proclamation declaring that the municipal charter is repealed under this section.

(2) The Secretary of State shall file copies of the proclamation with:

(i) the clerk of the Court of Appeals;

(ii) the clerk of the circuit court of the county in which the

municipality is located; and

(iii) the Department of Legislative Services.

(c) The repeal of the municipal charter is effective on the first day of the month after a proclamation is issued under subsection (b) of this section.

(d) On and after the effective date of the repeal:

(1) the former municipality may not be treated as a municipality; and

(2) the repealed municipal charter may not be included in any later edition or codification of public local laws of the county in which the municipality was located or of the State.

(e) If the assets and liabilities of the former municipality have not been disposed of before a municipal charter is repealed, after the charter is repealed the county commissioners or county council of the county in which the municipality is located shall:

(1) succeed to full ownership, title, and control of the assets of the municipality; and

(2) liquidate the debt of the municipality as provided in § 4–313 of this subtitle.

§4–401.

(a) Subject to subsections (b) and (c) of this section, the legislative body of a municipality may enlarge its boundaries by annexation as provided in this subtitle.

(b) The power of annexation applies only to land that:

(1) is contiguous and adjoining to the existing boundaries of the municipality; and

(2) does not create an unincorporated area that is bounded on all sides by:

(i) real property presently in the boundaries of the municipality;

(ii) real property proposed to be in the boundaries of the municipality as a result of the proposed annexation; or

(iii) any combination of real property described in item (i) or (ii) of this item.

(c) A municipality may not annex land that is in another municipality.

§4–402.

An annexation proposal may be initiated by:

(1) the legislative body of the municipality as provided in § 4–403 of this subtitle; or

(2) a petition in accordance with § 4–404 of this subtitle.

§4–403.

(a) Subject to subsection (b) of this section, an annexation resolution may be introduced in the legislative body of the municipality in accordance with:

(1) the requirements and practices applicable to its legislative enactments; and

(2) the requirements of § 4–303(a) of this title.

(b) Before an annexation resolution is introduced, the legislative body shall obtain consent from:

(1) at least 25% of the registered voters who are residents in the area to be annexed; and

(2) the owners of at least 25% of the assessed valuation of the real property in the area to be annexed.

(c) The annexation resolution:

(1) shall describe by a survey of courses and distances the exact area to be annexed;

(2) may also describe by landmarks and other well–known terms the exact area to be annexed; and

(3) shall contain a complete and detailed description of the conditions and circumstances that apply to:

(i) the change in boundaries; and

(ii) the residents and property in the area to be annexed.

§4–404.

(a) Subject to § 4–413 of this subtitle, an annexation petition shall be signed by:

(1) at least 25% of the registered voters who are residents in the area to be annexed; and

(2) the owners of at least 25% of the assessed valuation of the real property in the area to be annexed.

(b) After an annexation petition is presented to the legislative body of the municipality, the presiding officer of the legislative body shall verify:

(1) the signatures on the petition; and

(2) that the petition meets the requirements of subsection (a) of this section.

(c) (1) After verifying compliance with the requirements of this section, the presiding officer of the legislative body promptly shall cause a resolution proposing the change of boundaries as requested by the petition to be introduced in the legislative body.

(2) The annexation resolution shall conform to the form and content requirements of this subtitle.

§4–405.

(a) An annexation resolution shall provide that the residents in the area to be annexed and their property shall be added to the municipality, generally subject or not, as applicable, to specific provisions of the municipal charter.

(b) (1) Notwithstanding subsection (a) of this section, an annexation resolution may provide, for stated periods and under specific conditions, special treatment of the residents in the area to be annexed and their property as to:

(i) rates of municipal taxation; and

(ii) municipal services and facilities.

(2) After an annexation resolution takes effect, any change in the provisions for special treatment for stated periods and under specific conditions may be made only by a resolution enacted under this subtitle.

§4–406.

(a) After an annexation resolution is introduced, the chief executive and administrative officer of the municipality shall publish notice in accordance with the requirements of this section that:

(1) briefly and accurately describes the proposed annexation and the applicable conditions and circumstances; and

(2) specifies the date, time, and place that the legislative body sets for the public hearing on the proposed annexation.

(b) (1) Public notice of the annexation resolution shall be published:

(i) 1. at least four times; or

2. if the total area of the proposed annexation is 25 acres or less, at least two times;

(ii) at not less than weekly intervals; and

(iii) in at least one newspaper of general circulation in the municipality and the area to be annexed.

(2) The public hearing shall be:

(i) set no sooner than 15 days after the final required publication of the public notice; and

(ii) held in the municipality or the area to be annexed.

(c) Immediately after the first publication of the public notice, the municipality shall provide a copy of the public notice to:

(1) the governing body of the county in which the municipality is located; and

(2) any regional or State planning agency with jurisdiction in the county.

(d) The county and any regional or State planning agency with jurisdiction in the county has the right to be heard before the public at the hearing on the proposed annexation.

(e) (1) The public hearing may be rescheduled for or continued to a later date not more than 30 days after:

(i) the date when the hearing was originally scheduled; or

(ii) the date on which the hearing began but was not completed.

(2) If the hearing is rescheduled or continued, public notice shall be published:

(i) at least 7 days before the date of the rescheduled or continued hearing; and

(ii) in a newspaper of general circulation in the municipality and the area to be annexed.

(3) The public notice shall:

(i) briefly and accurately describe the area to be annexed; and

(ii) specify the date, time, and place of the rescheduled or continued public hearing.

§4–407.

(a) After a public hearing, the legislative body of a municipality may enact an annexation resolution in accordance with its normal legislative procedure.

(b) The annexation resolution may not take effect until at least 45 days after its enactment.

§4–408.

(a) Subject to § 4–413 of this subtitle, at any time within 45 days after enactment of an annexation resolution, at least 20% of the registered voters who are residents in the area to be annexed may petition the chief executive and administrative officer of the municipality in writing for a referendum on the resolution.

(b) After a petition is presented to the chief executive and administrative officer, the officer shall verify:

(1) the signatures on the petition; and

(2) that the petition meets the requirements of subsection (a) of this section.

(c) After verifying compliance with the requirements of this section, the chief executive and administrative officer, by proclamation, shall suspend the effectiveness of the annexation resolution pending the results of the referendum.

§4–409.

(a) At any time within 45 days after enactment of an annexation resolution, at least 20% of the qualified voters of the municipality may petition the chief executive and administrative officer of the municipality in writing for a referendum on the resolution.

(b) After a petition is presented to the chief executive and administrative officer, the officer shall verify:

(1) the signatures on the petition; and

(2) that the petition meets the requirements of subsection (a) of this section.

(c) After verifying compliance with the requirements of this section, the chief executive and administrative officer, by proclamation, shall suspend the effectiveness of the annexation resolution pending the results of the referendum.

§4–410.

(a) At any time within 45 days after enactment of an annexation resolution, the governing body of the county or counties in which the municipality is located, by at least a two–thirds majority vote, may petition the chief executive and administrative officer of the municipality for a referendum on the resolution.

(b) After verifying compliance with the requirements of this section, the chief executive and administrative officer, by proclamation, shall suspend the effectiveness of the annexation resolution pending the results of the referendum.

§4–411.

(a) The chief executive and administrative officer of the municipality shall schedule a referendum on the annexation resolution and publish notice of the date, time, and place at which the referendum will be held.

(b) The referendum shall be held:

(1) no sooner than 15 days and no later than 90 days after notices of the referendum are published; and

(2) at one or more places in:

(i) the municipality, for the referendum in the municipality; and

(ii) the area to be annexed, for the referendum in that area.

(c) Public notice of the referendum shall be published:

(1) twice at not less than weekly intervals; and

(2) in at least one newspaper of general circulation in the municipality and the area to be annexed.

§4–412.

(a) The governing body of a municipality, by ordinance, resolution, or regulation, may provide for conducting and tabulating the results of a referendum held under this subtitle.

(b) (1) The annexation resolution shall be submitted to:

(i) a referendum of the qualified voters of the municipality if the petition for referendum was presented by the residents of the municipality;

(ii) subject to § 4–413 of this subtitle, a referendum of the registered voters who are residents in the area to be annexed if the petition for referendum was presented by the residents of the area to be annexed; or

(iii) separate referendums of the voters specified in items (i) and (ii) of this paragraph if a petition for referendum was presented by the residents of the municipality and the residents in the area to be annexed.

(2) A petition for referendum presented by the governing body of a county shall be acted on in the same manner as a petition for referendum presented by the residents of the area to be annexed.

(c) The ballot shall:

(1) contain a summary of the annexation resolution; and

(2) provide for the voter to indicate a choice for or against the annexation resolution.

(d) (1) If only one petition for a referendum is filed and if a majority of the persons voting on the annexation resolution vote for the resolution, the resolution takes effect on the 14th day after the referendum.

(2) (i) If a referendum is conducted for both the residents of the municipality and the residents in the area to be annexed, the votes cast for the two referendums shall be tabulated separately to show the votes cast in the municipality and the area to be annexed.

(ii) If in both referendums a majority of the persons voting on the annexation resolution vote for the resolution, the resolution takes effect on the 14th day after the referendum.

(iii) If two referendums are held, the annexation resolution is void unless a majority in both referendums vote for the resolution.

(e) The municipality shall pay for a referendum held under this subtitle.

§4–413.

If fewer than 20 residents in an area to be annexed are eligible to sign a petition for annexation and vote in a referendum under this subtitle, any person, including the two or more joint owners of jointly owned property, who owns real property in the area to be annexed may sign the petition and vote in the referendum.

§4–414.

(a) (1) The chief executive and administrative officer of a municipality that has annexed property shall send a copy of the annexation resolution with the new boundaries to:

(i) the clerk or similar official of the municipality;

(ii) the clerk of the court in any county in which the municipality is located;

(iii) the Department of Legislative Services in accordance with paragraph (2) of this subsection; and

(iv) for any municipality located in the regional district, the Maryland–National Capital Park and Planning Commission.

(2) The annexation resolution shall be sent to the Department of Legislative Services within 10 days after the resolution takes effect.

(b) Each official or agency that receives an annexation resolution under subsection (a) of this section shall:

(1) keep on record the resolution with the new boundaries; and

(2) make the resolution available for public inspection during regular business hours.

§4–415.

(a) In addition to, but not as part of, an annexation resolution, the legislative body of the municipality shall adopt an annexation plan for the area to be annexed.

(b) Except as provided in subsection (e) of this section, for an annexation that began before October 1, 2009, the annexation plan shall:

(1) contain a description of the land use pattern proposed for the area to be annexed, which may include a county master plan already in effect for the area;

(2) describe the schedule to extend each municipal service performed in the municipality at the time of the annexation to the area to be annexed;

(3) describe the general methods by which the municipality anticipates financing the extension of municipal services to the area to be annexed; and

(4) be presented so as to demonstrate the available land for public facilities that may be considered reasonably necessary for the proposed use, including facilities for schools, water or sewage treatment, libraries, recreation, or fire or police services.

(c) Except as provided in subsection (e) of this section, for annexation that begins on or after October 1, 2009, the annexation plan shall be consistent with the municipal growth element of the comprehensive plan of the municipality.

(d) For purposes of subsections (b) and (c) of this section, an annexation begins when a proposal for annexation is initiated by:

(1) resolution under § 4–403 of this subtitle; or

(2) petition under § 4–404 of this subtitle.

(e) (1) On or after October 1, 2009, a municipality may submit an annexation plan under subsection (b) of this section if the municipality is granted an extension for the inclusion of a municipal growth element under § 3–304 of the Land Use Article.

(2) After the expiration of a final extension granted under § 3–304 of the Land Use Article for the inclusion of a municipal growth element, an annexation plan shall be submitted in accordance with subsection (c) of this section.

(f) At least 30 days before the public hearing on an annexation resolution required under § 4–406 of this subtitle, a copy of the annexation plan shall be provided to:

(1) the governing body of any county in which the municipality is located;

(2) the Department of Planning; and

(3) any regional or State planning agency with jurisdiction in the county.

(g) (1) The annexation plan shall be open to public review and discussion at the public hearing on the annexation resolution.

(2) An amendment to the annexation plan does not:

(i) amend the proposed annexation resolution; or

(ii) cause a reinitiation of the annexation procedure then in process.

§4–416.

(a) (1) Notwithstanding § 4–104(f) of this title, if an area is annexed to a municipality that has planning and zoning authority at the time of annexation, the municipality shall have exclusive jurisdiction over planning, subdivision control, and zoning in the area annexed.

(2) Paragraph (1) of this subsection does not grant any planning or zoning power or subdivision control to a municipality that is not authorized to exercise planning or zoning power or subdivision control at the time of annexation.

(b) Without the express approval of the county commissioners or county council of the county in which the municipality is located, for 5 years after an annexation by a municipality, the municipality may not allow development of the annexed land for land uses substantially different than the authorized use, or at a substantially higher density, not exceeding 50%, than could be granted for the proposed development, in accordance with the zoning classification of the county applicable at the time of the annexation.

(c) Notwithstanding § 4–204 of the Land Use Article and if the county expressly approves, the municipality may place the annexed land in a zoning classification that allows a land use or density different from the land use or density specified in the zoning classification of the county or agency with planning and zoning jurisdiction over the land prior to its annexation applicable at the time of the annexation.

§4–501.

(a) Subject to subsection (b) of this section, two or more abutting municipalities located in the same county may merge to form one municipality.

(b) The governing body of the county must approve any merger under this subtitle.

§4–502.

(a) To initiate a merger, the legislative body of each municipality shall adopt a proposal of unification.

(b) Each municipality shall adopt the proposal of unification:

(1) in substantially identical form; and

(2) in the manner that the municipality adopts ordinary legislation.

(c) The proposal of unification shall include a detailed description of the boundaries of the proposed municipality that:

(1) is comprised of a survey of courses and distances; and

(2) may refer to general landmarks and place names.

§4–503.

(a) After both municipalities adopt the proposal of unification, the municipalities shall prepare a unified charter.

(b) (1) Each municipality shall appoint three, four, or five representatives to serve on a charter commission.

(2) Each municipality shall appoint the same number of representatives.

(c) (1) The representatives shall meet as a charter commission.

(2) Within 6 months after the municipalities adopt the proposal of unification, the commission shall draft a proposed unified charter.

(d) (1) The charter commission shall elect officers from among the representatives.

(2) As the representatives consider necessary, the charter commission may adopt rules to govern meetings and expedite the drafting of the unified charter.

§4–504.

(a) The unified charter is a legal document separate from any other legal instrument.

(b) The unified charter shall provide that the unified municipality receive the assets and liabilities of the merging municipalities.

§4–505.

(a) (1) The charter commission shall submit a proposed unified charter to the legislative body of each municipality.

(2) The legislative body shall include the proposed charter in a resolution that is considered in accordance with the procedural requirements provided for charter amendments in §§ 4–303(a) and 4–304 of this title.

(3) For purposes of § 4–303(a) of this title, the resolution is considered to embrace only one subject.

(b) Each legislative body may:

(1) adopt or reject the resolution; or

(2) amend the resolution, if the legislative bodies of the other municipalities concur.

§4–506.

(a) If a referendum is required under § 4–304 of this title, the referendum shall occur on the same day in each municipality.

(b) Each municipality shall administer and pay for the referendum in proportion to its respective population.

(c) In a referendum, the unified charter is adopted if a majority of votes cast in each municipality is in favor of adoption.

§4–507.

(a) If a majority of the voters casting votes in any municipality at a referendum do not vote to adopt the unified charter, the proposed merger is not approved.

(b) If the unified charter is adopted, by referendum or by the legislative bodies when a referendum is not required, the adoption is final.

§4–508.

(a) (1) A merging municipality shall transfer its assets and liabilities to the unified municipality.

(2) The merging municipality shall transfer the assets and liabilities by legal instruments separate from the unified charter and resolution.

(3) The invalidity of a legal instrument that transfers or disposes of any property of a merging municipality does not affect the validity of the unified charter.

(b) Within 60 days after the unified charter is adopted, the legislative bodies of the merging municipalities jointly shall send the information concerning the charter to the Department of Legislative Services as provided in § 4–109 of this title.

(c) The exact text of the unified charter adopted under this subtitle, including any amendments, shall be included in any edition or codification of the charter.

§4–509.

(a) Unless the zoning classification is amended under the procedures required by the county, for 5 years after the effective date of the unified charter, the land of a merging municipality that does not have planning and zoning powers may not be placed in a zoning classification that allows a land use substantially different from the use allowed by the master plan or plan of the county or agency that has planning and zoning jurisdiction over the land before the merger.

(b) This subtitle does not grant planning and zoning powers to a unified municipality if none of the merging municipalities has planning and zoning powers.

§5–101.

A municipality may impose a property tax to pay a judgment or decree against it in the State.

§5–102.

(a) This section does not affect any agreement existing before October 1, 1997, between a county and a municipality concerning the imposition of development impact fees.

(b) If a county imposes a development impact fee on new residential construction to finance the costs of school construction, a municipality shall assist the county by:

(1) collecting and remitting the fee for new residential construction in the municipality to the county; or

(2) requiring the fee to be paid to the county in accordance with the county development impact fee law or ordinance.

(c) The application of any impact fee paid under subsection (b) of this section shall have a rational nexus to the project for which the fee is assessed.

§5–103.

(a) In this section, "junkyard" means:

(1) a public or private dump;

(2) an automobile junkyard;

(3) an automotive dismantler or recycler facility;

(4) a scrap metal processing facility;

(5) an outdoor place where old motor vehicles are stored in quantity or dismantled; or

(6) a lot on which refuse, trash, or junk is deposited.

(b) An ordinance adopted under this section does not apply to a business licensed on or before June 30, 2004, as an automotive dismantler and recycler or a scrap processor under § 15–502 of the Transportation Article.

(c) By ordinance, the legislative body of a municipality may regulate the location and operation of junkyards in the municipality to:

(1) protect the residents of the municipality from unpleasant and unwholesome conditions and deteriorating neighborhoods;

(2) preserve the beauty and aesthetic value of rural or residential areas;

(3) safeguard the public health and welfare;

(4) promote good civic design; and

(5) promote the health, safety, morals, order, convenience, and prosperity of the community.

(d) The ordinance may:

(1) require that each person who operates or maintains a junkyard obtain an annual license; and

(2) provide for a reasonable fee for a license.

(e) (1) Before adopting an ordinance under subsection (c) of this section, the legislative body of the municipality shall hold a public hearing.

(2) An ordinance adopted in violation of this subsection is void.

(f) The legislative body of the municipality shall publish notice of the date, time, and place of the public hearing in a newspaper of general circulation in the municipality not less than four times, at weekly intervals, within a period of at least 30 days before the date of the hearing.

(g) (1) A person who violates an ordinance adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than $25.

(2) Each day that a violation continues is a separate offense.

(h) The legislative body of the municipality may declare a violation of an ordinance adopted under this section to be a municipal infraction under Title 6, Subtitle 1 of this article.

§5–104.

A municipality may contract with a county to dispose of garbage or other matter collected in the municipality at an incinerator or plant operated under § 1–1305 of this article.

§5–105.

(a) The legislative body of a municipality may adopt an ordinance regulating the licensing, location, and operation in the municipality of a business establishment that allows on its premises any activity involving nudity and sexual displays listed under Article 2B, § 10–405(c) through (f) of the Code.

(b) (1) A person who violates an ordinance adopted under subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine of not less than $500 or both.

(2) Each day that a violation continues is a separate offense.

§5–106.

(a) In this section, "conservation area" means an area in a municipality that the legislative body of the municipality finds to be so affected by blight and community or property deterioration as to require comprehensive renovation and rehabilitation.

(b) This section does not apply to or affect:

(1) Anne Arundel County;

(2) Calvert County;

(3) Howard County;

(4) Kent County;

(5) Somerset County;

(6) Wicomico County; or

(7) Worcester County.

(c) The legislative body of a municipality may:

(1) establish and define the boundaries of a conservation area in the municipality; and

(2) establish and vest in any unit of the municipality, for a period not exceeding 5 years, exclusive jurisdiction or authority to enforce in the conservation area the laws, ordinances, codes, rules, and regulations the legislative body of the municipality considers expedient.

(d) This section does not authorize a unit of the municipality established under subsection (c) of this section to interfere with the powers of a law enforcement authority in a municipality.

§5–201.

This subtitle does not authorize the legislative body of a municipality to adopt an ordinance that is inconsistent with or conflicts with any rule or regulation adopted by the Maryland–National Capital Park and Planning Commission or the Washington Suburban Sanitary Commission.

§5–202.

The legislative body of a municipality may adopt ordinances to:

(1) assure the good government of the municipality;

(2) protect and preserve the municipality's rights, property, and privileges;

(3) preserve peace and good order;

(4) secure persons and property from danger and destruction; and

(5) protect the health, comfort, and convenience of the residents of the municipality.

§5–203.

(a) In addition to, but not in substitution of, the powers that have been or may be granted to it, the legislative body of a municipality may exercise the express powers provided in this subtitle by adopting ordinances.

(b) Except as provided in Article XI–E of the Maryland Constitution, an ordinance adopted by the legislative body of a municipality may not conflict with State law.

§5–204.

(a) (1) A municipality may change its corporate name.

(2) Before an ordinance under this subsection takes effect, a municipality shall submit the ordinance to the qualified voters of the municipality for their approval at a regular or special municipal election.

(3) A change of name may not affect any right, duty, or obligation of the municipality.

(b) A municipality may have a seal.

(c) A municipality may:

(1) acquire by conveyance, purchase, or condemnation any real or leasehold property needed for a public purpose;

(2) construct buildings on municipal property for the benefit of the municipality; and

(3) sell, at public or private sale after 20 days' public notice, and convey to the purchaser any real or leasehold property belonging to the municipality if the legislative body of the municipality determines that the property is no longer needed for public use.

(d) (1) A municipality may grant franchises in accordance with public general law or public local law.

(2) A municipality may grant a franchise for a cable television system as provided in § 1–708 of this article.

(3) For any franchise granted under this subsection, a municipality may:

(i) impose franchise fees; and

(ii) adopt rates, rules, and regulations.

(e) A municipality may exercise the licensing authority granted by law.

(f) A municipality may:

(1) establish and regulate markets in the municipality; and

(2) license the sale of merchandise in the markets.

§5–205.

(a) (1) A municipality may provide for the control and management of its finances.

(2) The municipality may:

(i) designate the banks or trust companies of the State in which the municipality shall deposit all money belonging to the municipality; and

(ii) provide for the appointment of an auditor or accountant to audit the books and accounts of municipal officers collecting, handling, or disbursing money belonging to the municipality.

(b) (1) A municipality may spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants.

(2) Except as provided in paragraph (4) of this subsection, a municipality may not spend money under paragraph (1) of this subsection if the money was not appropriated at the time of the annual levy.

(3) Except as provided in paragraph (4) of this subsection, a municipality may spend money only for the purpose for which the money was appropriated.

(4) A municipality may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated at the time of the annual levy if approved by a two–thirds vote of all the individuals elected to the legislative body.

(c) A municipality may provide for:

(1) the purchase of materials, supplies, and equipment through the Department of General Services;

(2) municipal advertising;

(3) printing and publishing statements of its receipts and expenditures; and

(4) codifying and publishing laws, ordinances, resolutions, and regulations.

(d) (1) Except as otherwise provided under this article, the Tax – General

Article, and the Tax – Property Article, a municipality may establish and collect reasonable fees and charges:

(i) for franchises, licenses, or permits granted by the municipality; or

(ii) associated with the exercise of a governmental or proprietary function exercised by a municipality.

(2) A municipality may provide that any valid charge, tax, or assessment made against real property in the municipality is a lien on the property to be collected in the same manner as municipal taxes.

(e) A municipality may enter into an agreement with other municipalities for purposes including:

(1) the joint administration of the municipalities;

(2) the cooperative procurement of goods and services, including construction services;

(3) the provision of municipal services; and

(4) the joint funding and management of any project that is centrally located to the municipalities.

§5–206.

(a) (1) A municipality may establish a merit system in connection with the appointment of any municipal official or employee not elected or appointed under the Maryland Constitution, public general law, or public local law.

(2) In accordance with § 4–303 of the State Personnel and Pensions Article, a municipality may request and use the facilities of the Department of Budget and Management in the administration of a merit system established under paragraph (1) of this subsection.

(b) A municipality may set the compensation of municipal officers and employees.

(c) A municipality may provide for:

(1) a retirement or pension system or a group insurance plan for its officers and employees; or

(2) including its officers and employees in any retirement or pension system operated by or in conjunction with the State, on the terms and conditions set forth in State law.

(d) (1) Subject to paragraph (2) of this subsection, a municipality may provide for the removal or temporary suspension from office of an appointed municipal officer for:

(i) inefficiency;

(ii) malfeasance;

(iii) misfeasance;

(iv) nonfeasance;

(v) misconduct in office; or

(vi) insubordination.

(2) Before removing or suspending any officer, the municipality shall notify the officer and conduct a hearing.

(3) A municipality may provide for filling the vacancy caused by the removal or suspension.

(e) Subject to its municipal charter, a municipality may provide for special elections for municipal purposes at times and places determined by the municipality.

§5–207.

(a) A municipality may establish and maintain:

(1) a fire department; and

(2) a police force.

(b) A municipality may:

(1) provide for the removal of fire hazards;

(2) control the use and handling of dangerous and explosive materials; and

(3) prevent the discharge of firearms or other explosive instruments.

(c) A municipality may:

(1) pay rewards for information relating to crime committed in the municipality;

(2) prohibit vagrancy, vice, gambling, and houses of prostitution in the municipality;

(3) enforce all ordinances relating to disorderly conduct and nuisances equally:

(i) within the municipality; and

(ii) up to one–half mile outside the municipal limits, except where there is a conflict with the powers of another municipality; and

(4) prohibit minors from being on the streets and in public places at certain hours of the night.

§5–208.

(a) A municipality may provide for the creation, appointment, duties, and powers of a board of port wardens to exercise jurisdiction in the municipality.

(b) (1) A board of port wardens may regulate the placement or construction of structures or other barriers in or on the waters of the municipality.

(2) The board may:

(i) issue licenses to build wharves or piers; and

(ii) issue permits for mooring piles, floating wharves, buoys, and anchors.

(3) When issuing licenses or permits under paragraph (2) of this subsection, the board shall consider:

(i) the present and proposed uses of the waters;

(ii) the effect of the present and proposed uses of the waters on marine life, wildlife, conservation, water pollution, erosion, and navigational hazards;

(iii) the effect of the proposed use of the waters on congestion in the waters;

(iv) the effect of the proposed use of the waters on other riparian property owners; and

(v) the present and projected needs for any proposed commercial or industrial use in or on the waters of the municipality.

(4) The board shall ensure that the improvements do not render navigation too close and confined.

(5) The board may regulate the materials for and construction of the improvements.

(6) This subsection does not affect the zoning power of the municipality.

(c) (1) Unless a person has been granted a license or permit from the board of port wardens, a person may not:

(i) build a wharf or pier;

(ii) move any earth or other material for the purpose of building a wharf or pier; or

(iii) place or construct mooring piles, floating wharves, buoys, or anchors.

(2) A person may not build a wharf or pier:

(i) a greater distance into the water than approved by the board; or

(ii) in a different form or of different materials than approved by the board.

(3) A person who violates this subsection is subject to a fine set by the legislative body of the municipality.

(d) A person aggrieved by a decision of a board of port wardens may appeal the decision:

(1) to the legislative body of the municipality; or

(2) if authorized by ordinance, to the circuit court of the appropriate county.

§5–209.

(a) This section does not affect any public general law or public local law relating to health or the powers and duties of:

(1) the Secretary of Health and Mental Hygiene; or

(2) a county board of health.

(b) A municipality may appoint a board of health and establish its powers and duties.

(c) A municipality may:

(1) establish quarantine regulations;

(2) authorize the removal or confinement of individuals having infectious or contagious diseases;

(3) prevent and remove nuisances;

(4) prevent the introduction of contagious diseases into the municipality; and

(5) regulate any place where noxious things are manufactured, offensive trades are conducted, or that may cause unsanitary conditions or conditions detrimental to health.

(d) A municipality may:

(1) regulate or prohibit the throwing or depositing of dirt, garbage, trash, or liquids in a public place; and

(2) provide for the proper disposal of these materials.

(e) A municipality may:

(1) regulate the interment of bodies; and

(2) control the location and establishment of cemeteries.

§5–210.

A municipality may provide for, maintain, and operate community and social services to preserve and promote the health, recreation, and welfare of the residents of the municipality.

§5–211.

(a) A municipality may adopt regulations regarding the erection of buildings and signs in the municipality, including:

(1) a building code; and

(2) requirements for building permits.

(b) A municipality may provide for the inspection of and require repairs to the following on private property:

(1) drainage and sewage systems;

(2) electric lines and wires;

(3) gas pipes;

(4) plumbing apparatus; and

(5) water pipes.

§5–212.

(a) It is the policy of the State that:

(1) the orderly development and use of land and structures requires comprehensive regulation through implementation of planning and zoning controls; and

(2) planning and zoning controls shall be implemented by local government.

(b) (1) To achieve the public purposes of the policy set forth under subsection (a) of this section, the General Assembly recognizes that local government action will displace or limit economic competition by owners and users of property.

(2) It is the policy of the State that competition and enterprise shall be displaced or limited for the attainment of the purposes of the State policy for implementing planning and zoning controls as set forth in this article and elsewhere in public general law and public local law.

(c) This section does not:

(1) grant to a municipality powers in any substantive area not otherwise granted to the municipality by other public general law or public local law;

(2) restrict a municipality from exercising any power otherwise granted to the municipality;

(3) authorize a municipality or its officers to engage in any activity that is otherwise beyond the power of the municipality or its officers; or

(4) preempt or supersede the regulatory authority of any State unit.

§5–213.

A municipality may adopt zoning regulations, subject to any right of referendum of the voters at a regular or special election as may be provided by the municipal charter.

§5–214.

(a) Section 18–301 of this article applies to the use of federal or State financial assistance for commercial or industrial redevelopment projects.

(b) (1) In this subsection, "authority" means a commercial district management authority.

(2) A municipality may establish an authority for any commercial district in the municipality.

(3) For each authority established, a municipality shall:

(i) specify the membership, organization, jurisdiction, and geographical limits of the authority;

(ii) provide financing for the authority through fees that may be charged to, or taxes that may be imposed against, any business subject to the authority's jurisdiction; and

(iii) specify the purposes of the authority, including:

1. promotion;

2. marketing; or

3. the provision of security, maintenance, or amenities in the district.

(4) An authority may not:

(i) exercise the power of eminent domain;

(ii) purchase, sell, construct, or lease, as lessor, office or retail space; or

(iii) except as otherwise authorized by law, engage in competition with the private sector.

(5) Any fee or tax imposed under this subsection shall be used only for the purposes stated in this subsection and may not revert to the general fund of the municipality.

§5–215.

(a) This section applies only to a municipality that has urban renewal authority granted under Article III, § 61 of the Maryland Constitution.

(b) Subject to subsection (e) of this section, a municipality may:

(1) acquire property of any kind in the municipality, including any right, interest, franchise, easement, or privilege attached to the property, by purchase, lease, gift, condemnation, or any other legal means for development or redevelopment of the property, including comprehensive renovation or rehabilitation; and

(2) sell, lease, convey, transfer, or otherwise dispose of any property acquired under item (1) of this subsection, to any person or public or quasi–public entity:

(i) whether or not the property has been developed, redeveloped,

altered, or improved; and

(ii) regardless of how the property was acquired.

(c) (1) A municipality shall provide just compensation to the owner of any property acquired by the municipality under subsection (b) of this section if the property is taken by eminent domain.

(2) The amount of compensation paid to an owner under paragraph (1) of this subsection shall be determined by:

(i) an agreement by the parties to the transaction; or

(ii) a jury award.

(3) A municipality shall pay the amount of compensation determined under paragraph (2) of this subsection to the owner before taking the property.

(d) Any property needed, or taken by eminent domain, by a municipality for the purposes in subsection (b) of this section or in connection with the exercise of any power of a municipality under this section is considered to be needed or taken for a public use or benefit.

(e) Before acquiring a single–family or multifamily dwelling unit or other structure under this section, a municipality shall find that:

(1) the dwelling unit or structure has deteriorated to an extent that constitutes a serious and growing menace to the public health, safety, and welfare;

(2) the dwelling unit or structure is likely to continue to deteriorate;

(3) the continued deterioration of the dwelling unit or structure will contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit or structure; and

(4) the owner of the dwelling unit or structure has not corrected the deterioration.

(f) The legislative body of a municipality shall adopt an ordinance for each acquisition of property made under this section.

§5–216.

(a) A municipality may establish and maintain any park, garden, playground, or recreational facility that the municipality determines is for the benefit of the health and welfare of the municipality and its residents.

(b) (1) Subject to paragraph (2) of this subsection, a municipality may acquire by gift, grant, bequest, or devise and hold property absolutely or in trust for:

(i) parks or gardens;

(ii) the erection of statues, monuments, buildings, or structures; or

(iii) any public use.

(2) The municipality shall acquire, hold, or use property under this subsection on the terms and conditions required by the grantor or donor and accepted by the municipality.

(3) The municipality shall provide for the administration of any property accepted by the municipality under this subsection.

(4) Subject to the terms and conditions of the original grant, the municipality may convey any property accepted by the municipality under this subsection if the municipality determines that the property is no longer needed for public purposes.

(c) A municipality may establish, maintain, and support a municipal band or musical organization.

§5–217.

A municipality may require the owners of property to keep the sidewalks on the property clean and free from snow, ice, or other obstructions.

§5–218.

The express powers contained in this subtitle are intended to and shall be deemed to incorporate and include the power and authority contained in Title 5, Subtitle 8, Part II of the General Provisions Article.

§5–301.

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

(b) "Private community" means:

(1) a community governed by a homeowners association, as defined under the Maryland Homeowners Association Act;

(2) a condominium, as defined under the Maryland Condominium Act; or

(3) a cooperative housing corporation, as defined under the Maryland Cooperative Housing Corporation Act.

(c) "Residential street service" means:

(1) removing snow, ice, or other obstructions from roadways;

(2) lighting roadways and maintaining the lighting equipment;

(3) collecting leaves, recyclable materials, or garbage along roadways; or

(4) maintaining roadways.

(d) "Roadway" means a paved surface that provides vehicular access or is designated for parking.

§5–302.

(a) (1) The governing body of a municipality that provides residential street service may make an agreement with a private community that qualifies under paragraph (2) of this subsection concerning:

(i) the provision of residential street service to the private community by the municipality; or

(ii) instead of providing residential street service, the reimbursement to the private community of an amount not to exceed the cost that the municipality would incur to provide residential street service.

(2) The governing body of a municipality may make an agreement under this section with a private community that:

(i) lies wholly or partly in the municipality; and

(ii) has at least one–quarter mile of roadway.

(b) An agreement entered into under this section may require the private community to:

(1) pay any insurance rider that the municipality requires to enable vehicles owned or contracted by the municipality to operate on a roadway in the private community; and

(2) regarding a roadway in the private community that is to be used to provide residential street service:

(i) allow the roadway to be dedicated to public use; and

(ii) unless maintenance of the roadway is provided by the municipality, maintain the roadway at a level of service satisfactory to the municipality.

§5–401.

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

(b) "Authority" means a nonprofit or quasi–governmental entity created by a municipality under § 5–403 of this subtitle.

(c) "Board" means the board of directors of an authority.

(d) (1) "Bond" means a bond issued by an authority under this subtitle.

(2) "Bond" includes a bond, a refunding bond, a note, and any other obligation.

(e) "Cost" includes:

(1) the purchase price of property;

(2) the cost to acquire any right, title, or interest in property;

(3) the cost of any improvements made to property;

(4) the amount to be paid to discharge each obligation necessary or desirable to vest title to any part of property in an authority or other owner;

(5) the cost of any property, right, easement, franchise, or permit associated with a project;

(6) the cost of labor, machinery, and equipment necessary to implement a project;

(7) financing charges;

(8) interest and reserves for principal and interest and for improvements;

(9) the cost of revenue and cost estimates, engineering and legal services, plans, specifications, studies, surveys, and other expenses necessary or incident to determining the feasibility or practicability of a project;

(10) administrative expenses; and

(11) other expenses as necessary or incident to:

(i) financing a project;

(ii) acquiring and improving a project;

(iii) placing a project in operation, including reasonable provisions for working capital; and

(iv) operating and maintaining a project.

(f) (1) "Project" means any organized plan carried out by an authority in

relation to:

(i) acquiring and rehabilitating abandoned and dilapidated properties; and

(ii) marketing and leasing or selling the rehabilitated properties.

(2) "Project" includes:

(i) acquiring land or an interest in land;

(ii) acquiring structures, equipment, and furnishings located on a property;

(iii) acquiring property that is functionally related and subordinate to a project; and

(iv) obtaining or contracting for any services necessary for the rehabilitation of a property.

(g) (1) "Revenue" means the income, revenue, and other money an authority receives from or in connection with a project and all other income of an authority.

(2) "Revenue" includes grants, rentals, rates, fees, and charges.

(h) "Tax sale property" means property or an interest in property sold by the tax collector of the county in accordance with Title 14, Subtitle 8, Part III of the Tax – Property Article.

(i) (1) "Trust agreement" means an agreement entered into by an authority to secure a bond.

(2) "Trust agreement" includes a bond contract, bond resolution, or other contract with or for the benefit of a bondholder.

§5–402.

(a) This subtitle shall be liberally construed to accomplish its purposes.

(b) The powers granted to an authority under this subtitle are supplemental to powers granted to an authority under any other law.

(c) This subtitle does not authorize an authority to:

(1) exercise the power of eminent domain; or

(2) impose any tax or special assessment.

§5–403.

(a) By ordinance, the legislative body of a municipality may establish a land bank authority in accordance with this subtitle.

(b) An ordinance adopted under subsection (a) of this section shall include proposed articles of incorporation of an authority that state:

(1) the name of the authority, which shall be "Land Bank Authority of (name of the incorporating municipality)";

(2) that the authority is formed under this subtitle;

(3) the names, addresses, and terms of office of the initial members of the board;

(4) the address of the principal office of the authority;

(5) the purposes for which the authority is formed; and

(6) the powers of the authority, subject to the limitations of this subtitle.

(c) (1) The chief executive of the incorporating municipality, or any other official designated in the ordinance establishing an authority, shall execute and file the articles of incorporation of the authority for recordation with the State Department of Assessments and Taxation.

(2) When the State Department of Assessments and Taxation accepts the articles of incorporation for recordation, the authority becomes a body politic and corporate and an instrumentality of the incorporating municipality.

(3) Acceptance of the articles of incorporation for recordation by the State Department of Assessments and Taxation is conclusive evidence of the formation of the authority.

(d) (1) By ordinance, the legislative body of the incorporating municipality may adopt an amendment to the articles of incorporation of an authority.

(2) Articles of amendment may contain any provision that lawfully could be contained in articles of incorporation at the time of the amendment.

(3) The articles of amendment shall be filed for recordation with the State Department of Assessments and Taxation.

(4) The articles of amendment are effective as of the time the State Department of Assessments and Taxation accepts the articles for recordation.

(5) Acceptance of the articles of amendment for recordation by the State Department of Assessments and Taxation is conclusive evidence that the articles have

been lawfully and properly adopted.

(e) (1) Subject to this section and any limitations imposed by law on the impairment of contracts, the incorporating municipality, in its sole discretion, by ordinance may:

(i) set or change the structure, organization, procedures, programs, or activities of an authority; or

(ii) terminate the authority.

(2) On termination of the authority:

(i) title to all property of the authority shall be transferred to and shall vest in the incorporating municipality; and

(ii) all obligations of the authority shall be transferred to and assumed by the incorporating municipality.

§5–404.

An ordinance that creates an authority shall establish a board to govern the authority and shall include provisions for:

(1) appointment procedures;

(2) powers of the board;

(3) removal procedures;

(4) term lengths; and

(5) the election of a chair.

§5–405.

(a) Except as limited by the authority's articles of incorporation, an authority has all the powers specified in this subtitle.

(b) An authority may:

(1) adopt bylaws for the conduct of business of the authority;

(2) sue and be sued;

(3) maintain an office at a place the authority designates;

(4) borrow money;

(5) issue bonds and other obligations for any corporate purpose in accordance with this subtitle or an ordinance adopted under this subtitle;

(6) invest money of the authority in instruments, obligations, securities, or property;

(7) enter into contracts and execute the instruments or agreements necessary or convenient to carry out this subtitle or an ordinance adopted under this subtitle to accomplish the purposes of the authority;

(8) solicit and accept gifts, grants, loans, or other assistance in any form from any public or private source, subject to this subtitle or any ordinance adopted under this subtitle;

(9) participate in a program of the federal government, the State, a political subdivision of the State, or an intergovernmental entity created under State law;

(10) contract for goods and services;

(11) study, develop, and prepare reports or plans to assist in the authority's exercise of powers and to monitor and evaluate the authority's progress;

(12) contract with public or private entities for services necessary to manage and operate the authority;

(13) provide acquisition, management, and sale services to a municipality for property owned by the municipality;

(14) create, own, control, or be a member of a corporation, limited liability company, partnership, or other person, whether operated for profit or not for profit, for the purposes of developing property in order to maximize marketability;

(15) exercise a power usually possessed by a private corporation in performing similar functions, unless to do so would conflict with State law; and

(16) do all things necessary or convenient to carry out the powers expressly granted by this subtitle or by an ordinance adopted under this subtitle.

(c) An authority may delegate to a member or officer a power granted to the authority by this subtitle, including the power to execute a bond, obligation, certificate, deed, lease, mortgage agreement, or other document or instrument.

§5–406.

(a) An authority may:

(1) acquire real property or rights or interests in real property, directly

or through a person or governmental entity, by gift, devise, transfer, exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner the authority considers proper;

(2) own property in the authority's name, including tax foreclosed property and property without clear title;

(3) sell, lease as lessor, transfer, and dispose of the authority's interest in property;

(4) procure insurance against loss in connection with the property, assets, or activities of the authority; and

(5) execute deeds, mortgages, contracts, leases, purchases, or other agreements regarding the property of the authority.

(b) Property purchased, owned, or sold under this section may not be located outside the municipality in which the authority is located.

§5–407.

An authority may:

(1) employ staff and retain consultants; and

(2) set their compensation.

§5–408.

The court may appoint an authority to serve as a receiver in a receivership proceeding filed by a municipality.

§5–409.

(a) An authority shall:

(1) adopt a code of ethics for the authority's directors, officers, and employees;

(2) establish policies and procedures requiring:

(i) the disclosure of relationships that may create a conflict of interest; and

(ii) any member of the board with a direct or indirect interest in a matter before the authority to disclose the member's interest to the board before the board takes any action on the matter; and

(3) comply with the Open Meetings Act.

(b) Except as otherwise provided in this subtitle or the ordinance establishing an authority, the procedures of the incorporating municipality control any matter relating to the internal administration of an authority.

§5–410.

An authority may have the same immunities as a municipality.

§5–411.

(a) With respect to property held or owned by the authority, the authority may:

(1) grant or acquire a license, an easement, or an option;

(2) set, charge, and collect rents, fees, and charges for use of the property;

(3) pay taxes or special assessments due;

(4) take any action, provide any notice, or institute any proceeding required to clear or quiet title in order to establish ownership by and vest title to property in the authority;

(5) abate violations of the local and State building, fire, health, and related codes; and

(6) hold, manage, maintain, operate, repair, lease as lessor, secure, prevent the waste or deterioration of, or demolish the property and take all other actions necessary to preserve the value of the property.

(b) An authority shall be made a party to, and shall defend any action or proceeding concerning, claims against property held by the authority.

§5–412.

(a) Property held by an authority shall be inventoried and classified according to title status and suitability for use.

(b) A clerk of the court may not charge a fee to record a document evidencing the transfer under this subtitle of property to the authority by the State or a municipality.

§5–413.

(a) After an unsuccessful attempt by the municipality to collect outstanding liens at tax sale and subject to the approval of the tax collector of the jurisdiction where the property is located, an authority may accept from a person with an interest in a parcel of tax delinquent property or tax sale property a deed or assignment conveying that person's interest in the property instead of:

(1) the foreclosure or sale of the property for delinquent taxes, penalties,

and interest, as defined by § 14–801(c) of the Tax – Property Article; or

(2) delinquent–specific taxes imposed by a local taxing jurisdiction.

(b) Conveyance of property by deed instead of foreclosure under this section may not affect or impair any other lien against the property or any existing recorded or unrecorded interest in the property, including any:

(1) easement or right–of–way;

(2) future installment of a special assessment;

(3) lien recorded by the State;

(4) private deed restriction;

(5) security interest or mortgage; or

(6) tax lien of another taxing jurisdiction that does not consent to a release of its lien.

(c) A tax lien against property held by or under the control of an authority may be released or abated at any time by:

(1) a county or municipality with respect to a lien held by the county or municipality;

(2) the governing body of any taxing jurisdiction other than the State, county, or municipality with respect to a lien held by the taxing jurisdiction;

(3) a public water or sewer authority with respect to a tax lien or right to collect a tax held by the public water or sewer authority; or

(4) the Comptroller with respect to a State tax lien.

§5–414.

(a) Money received by an authority as payment of taxes, penalties, or interest, or from the redemption or sale of property subject to a tax lien of any taxing unit, shall be returned to the tax collector in the jurisdiction where the property is located for distribution on a pro rata basis to the appropriate taxing units in an amount equal to delinquent taxes, penalties, and interest owed on the property.

(b) Proceeds received by an authority may be retained by the authority for the purposes of this subtitle, unless otherwise designated by:

(1) an agreement of the authority;

(2) the provisions of a deed;

(3) this subtitle; or

(4) any other law.

§5–415.

(a) An authority is exempt from any State or local tax or assessment on the authority's properties or activities or on any revenue from the properties or activities.

(b) Property that an authority sells or leases to a private entity is subject to State and local property taxes from the time of the sale or lease.

(c) The principal of and interest on bonds, the transfer of bonds, and any income derived from the bonds, including profits made on their sale or transfer, are exempt from all State and local taxes.

§5–416.

(a) An authority may bring a civil action to prevent, restrain, or enjoin the waste of or unlawful removal of any property from real property held by the authority.

(b) (1) An authority shall be made a party to any action to set aside:

(i) title to property the authority holds; or

(ii) the sale of property by the authority.

(2) A hearing in an action under this subsection may not be held until the authority is served in accordance with the Maryland Rules.

§5–417.

(a) Property of an authority is public property devoted to an essential public and governmental function and purpose.

(b) Income of an authority is received for a public and governmental purpose.

§5–418.

An authority is subject to any local:

(1) land use controls;

(2) permitting processes for construction, demolition, or repair of a property; and

(3) zoning laws.

§5–419.

An authority shall report annually on the activities of the authority to the municipality where the authority is located and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

§5–420.

(a) (1) An authority may:

(i) issue bonds to pay the cost of acquiring or improving property;

(ii) fund or refund the bonds;

(iii) purchase bonds with any funds available; and

(iv) hold, pledge, cancel, or resell bonds.

(2) By resolution, an authority may authorize the chair, one of the authority's members, or a committee of the members to determine or provide for any matter relating to bonds that the authority considers appropriate, including:

(i) specifying, determining, requiring, and approving matters, documents, and procedures that relate to the authorization, sale, security, issuance, delivery, and payment of and for the bonds;

(ii) creating security for the bonds; and

(iii) providing for the administration of bond issues.

(3) The power granted in paragraph (2) of this subsection is in addition to powers conferred on the authority by this subtitle and does not limit any power of the authority under this subtitle.

(4) Within the limits that the authority sets, the authority may authorize the executive director to take any of the actions described in paragraph (2) of this subsection.

(b) An authority may issue the bonds at one time or in one or more series.

(c) For each issue of an authority's bonds, the authority shall pass a resolution that:

(1) specifies and describes the project for which the proceeds of the bond issuance are intended;

(2) generally describes the public purpose and the financing transaction to be accomplished;

(3) specifies the maximum principal amount of the bonds that may be issued by the authority; and

(4) imposes any terms or conditions on the issuance and sale of the bonds that the authority considers appropriate.

(d) Subject to any provision for their registration, bonds are negotiable instruments for all purposes regardless of whether they are payable from a special fund.

(e) (1) The bonds may be serial bonds, term bonds, or both.

(2) Subject to any delegation under subsection (a)(2) of this section, the resolution authorizing bonds may provide:

(i) the dates of the bonds;

(ii) the maturity dates of the bonds;

(iii) the interest rates on the bonds;

(iv) the time at which the bonds will be payable;

(v) the denominations of the bonds;

(vi) whether the bonds will be in coupon or registered form;

(vii) any registration privileges of the bonds;

(viii) the manner of execution of the bonds;

(ix) the place at which the bonds will be payable; and

(x) any terms of redemption of the bonds.

(3) The bonds shall mature within a period not to exceed 50 years after the date of issue.

(4) The bonds shall be payable in United States currency.

(f) An authority shall sell the bonds at competitive or negotiated sale in a manner and for a price the authority determines to be in the authority's best interests.

(g) An officer's signature or facsimile on a bond remains valid if the officer leaves office before the bond is delivered.

(h) Pending preparation of the definitive bonds, an authority may issue interim receipts or certificates that will be exchanged for definitive bonds.

(i) A trust agreement authorizing bonds may contain provisions that are part of the contract with the bondholders, including:

(1) the rates, rentals, fees, and other charges, the amounts to be raised in each year, and the use and disposition of the revenues;

(2) the setting aside of reserves and sinking funds and their disposition;

(3) limits on the right of the authority or the authority's agents to restrict and regulate the use of a project;

(4) limits on the purpose to which the proceeds of the sale of bonds may be applied;

(5) limits on issuing additional bonds and refunding bonds and the terms under which additional bonds may be issued and secured;

(6) the procedure to amend or abrogate the terms of a contract with bondholders and the requirements for consent;

(7) limits on the amount of project revenues to be expended for operating, administrative, or other expenses of the authority;

(8) the acts or omissions that constitute default by the authority and the rights and remedies of the bondholders in a default;

(9) the conveyance or mortgaging of a project and its site to secure the bondholders;

(10) creation and disposition of a collateral fund to secure the bondholders; and

(11) pledging the following to secure payment of bonds, subject to any existing agreements with bondholders:

(i) the full faith and credit of an authority;

(ii) revenues of a project;

(iii) a revenue–producing contract the authority has made with a person or public entity; or

(iv) the proceeds of the sale of bonds.

(j) The members of an authority and a person executing the bonds may not be held liable personally on the bonds.

§5–421.

(a) The corporate trustee under a trust agreement may be a trust company or bank that has the powers of a trust company in or outside the State.

(b) An expense incurred in carrying out the trust agreement or a resolution may be treated as part of the cost of the operation of a project.

§5–422.

Notwithstanding any other provision of this subtitle, in a proceeding involving the validity or enforceability of a bond or the security for a bond, the determination of an authority under this subtitle is conclusive and binding.

§5–423.

Bonds are securities:

(1) that may be deposited with and received by a unit of the State or a political subdivision of the State for any purpose for which the deposit of bonds or obligations of the State is authorized by law; and

(2) in which any of the following persons or entities may legally and properly invest money, including capital that the person or entity owns or controls:

(i) an officer or a unit of the State or a political subdivision of the State;

(ii) a bank, a trust company, a savings and loan association, an investment company, or any other person conducting a banking business;

(iii) an insurance company, an insurance association, or any other person conducting an insurance business;

(iv) a personal representative, a guardian, a trustee, or any other fiduciary; and

(v) any other person.

§5–424.

(a) A bond is not:

(1) a debt or liability of the State or a political subdivision of the State; or

(2) a pledge of the full faith and credit of the State or a political subdivision of the State.

(b) Each bond shall state on its face that neither the State nor a political

subdivision of the State is obliged to pay the principal of or interest on the bond except from revenues pledged to the payment of the bond.

(c) The issuance of bonds does not directly, indirectly, or contingently obligate the State or any political subdivision:

(1) to impose or pledge a tax to pay the bonds; or

(2) to appropriate money to pay the bonds.

(d) This subtitle does not prohibit an authority from pledging its full faith and credit in connection with the issuance of bonds.

§5–425.

(a) An authority may:

(1) impose rates, rents, fees, and charges related to a project and for the services related to a project; and

(2) contract with any person or governmental entity to exercise its authority under this section.

(b) The rates, rents, fees, and charges established by an authority under this section shall be imposed and adjusted so that the aggregate amount of the rates, rents, fees, and charges from the project, when added to other available money, is sufficient to:

(1) pay for the expenses of the project;

(2) pay the principal of and the interest on the bonds that the authority issued for the project as they become due and payable; and

(3) create and maintain reserves required or provided for in a trust agreement.

(c) The rates, rents, fees, and charges established by an authority under this section are not subject to supervision or regulation by any unit of the State.

§5–426.

(a) (1) Any pledge of revenues and other money under § 5–420(i) of this subtitle is valid and binding from the time the pledge is made.

(2) (i) The revenue or money that an authority pledges and receives is subject immediately to the lien of the pledge.

(ii) Neither physical delivery of the revenue or money nor any other act is required to validate the lien.

(3) The lien of the pledge is valid and binding against each party with a claim against the authority in tort, contract, or otherwise, regardless of whether the party has notice of the lien.

(b) The trust agreement and any other agreement or lease creating a pledge under this section need not be filed or recorded, except in the records of the authority.

§5–427.

(a) Proceeds from the sale of bonds and other revenues received under this subtitle are trust funds to be held and applied solely as provided in this subtitle.

(b) (1) Each officer, bank, or trust company that receives trust money from an authority under this subtitle shall act as trustee of the money and shall hold and apply the money for the purposes specified under this subtitle.

(2) The officer, bank, or trust company holding money is subject to:

(i) any regulation adopted under this subtitle; and

(ii) the resolution authorizing the issuance of bonds or the trust agreement.

§5–428.

(a) (1) An authority may issue bonds to refund outstanding bonds of the authority, including paying:

(i) any redemption premium;

(ii) interest accrued or to accrue to the date of redemption, purchase, or maturity of the bonds; and

(iii) any part of the cost of acquiring or improving property as part of a project.

(2) Refunding bonds may be issued for any corporate purpose, including:

(i) realizing savings in the effective costs of debt service, directly or through a debt restructuring; or

(ii) alleviating a potential or actual default.

(b) Refunding bonds issued under this section shall be issued in the same manner and are subject to this subtitle to the same extent as any other bond.

(c) An authority may issue refunding bonds in one or more series in an amount greater than the amount of the bonds to be refunded.

§5–429.

(a) An authority may issue negotiable bond anticipation notes in anticipation of the sale of bonds for any corporate purpose.

(b) Bond anticipation notes issued under this section shall be issued in the same manner as bonds.

(c) Bond anticipation notes issued under this section and the resolution authorizing them may contain any provision, condition, or limitation that may be included in a trust agreement.

(d) An authority may issue bond anticipation notes to pay any other bond anticipation notes.

(e) Bond anticipation notes shall be paid from:

(1) money available and not otherwise pledged;

(2) revenues of the authority; or

(3) the proceeds of the sale of the bonds in anticipation of which the notes were issued.

§5–430.

(a) An authority shall convey title to property relating to a project and release collateral in accordance with this section when:

(1) (i) the principal of and interest on bonds issued to finance or refinance the project, including any refunding bonds, have been fully paid and retired; or

(ii) adequate provision has been made to fully pay and retire the bonds;

(2) all other conditions of the trust agreement have been satisfied; and

(3) the lien of the trust agreement has been released.

(b) On satisfaction of the conditions under subsection (a) of this section, an authority promptly shall execute any deed, conveyance, release, or document and take any other action necessary to convey title to the property and release collateral free of any lien or encumbrance created through the authority.

§5–431.

(a) A bondholder, a holder of any coupons attached to bonds, or a trustee under a trust agreement securing the bonds may sue:

(1) to protect and enforce rights under State law or a trust agreement; and

(2) to enforce and compel the performance of duties by an authority or its officer, employee, or agent that this subtitle or a trust agreement requires, including imposing rates, rents, fees, and charges that the trust agreement requires to be imposed.

(b) The rights under this section are subject to any trust agreement.

§6–101.

(a) The legislative body of a municipality may provide that violations of ordinances and resolutions authorized by this division are punishable as misdemeanors.

(b) A penalty for a violation of an ordinance or resolution that is declared to be a misdemeanor under this section may not exceed imprisonment for 6 months or a fine of $1,000 or both.

(c) Sections 7–504 and 7–505 of the Courts Article shall govern imprisonment in default of fines and costs.

§6–102.

(a) (1) Unless State law classifies a violation as a criminal offense, the legislative body of a municipality may provide, by law, that a violation of a municipal ordinance is a municipal infraction.

(2) A municipal infraction is a civil offense.

(b) The legislative body of a municipality may classify as a municipal infraction:

(1) a violation of an ordinance or regulation concerning zoning or land use; and

(2) littering in the municipality as prohibited under § 10–110 of the Criminal Law Article.

(c) (1) A fine not exceeding $1,000 may be imposed for each municipal infraction.

(2) The fine is payable to the municipality by the person charged in the citation within 20 calendar days of service of the citation.

§6–103.

(a) Any official authorized by the legislative body of a municipality to act as an enforcement officer may serve a citation on a person:

(1) who the official believes is committing or has committed a municipal infraction; or

(2) on the basis of an affidavit that:

(i) cites the facts of the alleged infraction; and

(ii) is submitted to a designated official of the municipality.

(b) (1) The citation shall be served on the defendant:

(i) in accordance with Maryland Rule 3–121; or

(ii) for real property–related violations, if an affidavit is made that good faith efforts to serve the defendant under Maryland Rule 3–121(a) have not succeeded, by:

1. regular mail to the defendant's last known address; and

2. posting the citation at the property where the municipal infraction has occurred or is occurring and, if located in the municipality, at the defendant's residence or place of business.

(2) The enforcement officer shall retain a copy of the citation.

(c) The citation shall contain:

(1) the enforcement officer's certification:

(i) attesting to the truth of the matter set forth in the citation; or

(ii) that the citation is based on an affidavit;

(2) the name and address of the defendant;

(3) the nature of the municipal infraction;

(4) the location and time that the municipal infraction occurred;

(5) the amount of the fine assessed;

(6) the manner, location, and time in which the fine may be paid to the municipality;

(7) notice of the defendant's right to elect to stand trial; and

(8) notice of the effect of failing to pay the fine or demand a trial within the required time.

§6–104.

(a) An enforcement officer may serve a summons with a citation that:

(1) requires the defendant to appear in District Court at a specified date and time; and

(2) specifies that the defendant is not required to appear in District Court if the fine is paid as provided in the citation.

(b) If approved by the Chief Judge of the District Court of Maryland, the citation form may contain the summons.

(c) The enforcement officer shall coordinate the selection of court dates with the appropriate District Court officials.

§6–105.

(a) If a citation is served without a summons, the defendant may elect to stand trial for the municipal infraction by providing written notice of intent to stand trial to the municipality at least 5 days before the payment date specified in the citation.

(b) (1) After receiving the written notice of intention to stand trial, the municipality shall forward a copy of the citation and notice to the District Court having venue.

(2) After receiving the citation and notice, the District Court shall:

(i) schedule the case for trial; and

(ii) notify the defendant of the trial date.

§6–106.

(a) If the defendant does not pay the fine by the date of payment set forth on the citation and does not send to the municipality the written notice of intent to stand trial:

(1) the defendant is liable for the fine;

(2) the municipality may double the fine to an amount not exceeding $1,000 and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit; and

(3) the District Court promptly shall schedule the case for trial and summon the defendant to appear.

(b) If the municipality makes a proper demand for judgment on affidavit and the defendant does not respond to a summons issued under subsection (a)(3) of this

section, the District Court shall enter judgment against the defendant in favor of the municipality in the amount then due.

§6–107.

If the defendant does not pay the fine as provided in the citation and does not appear in District Court as provided in the summons:

(1) the municipality may double the fine to an amount not exceeding $1,000; and

(2) the court may enter judgment against the defendant in the amount then due if the proper demand for judgment on affidavit has been made.

§6–108.

(a) The State's Attorney for a county may:

(1) prosecute a municipal infraction; and

(2) (i) enter a nolle prosequi; or

(ii) place a municipal infraction case on the stet docket.

(b) Notwithstanding subsection (a) of this section, a municipality may designate an attorney to prosecute a municipal infraction in the same manner as the State's Attorney for a county.

§6–109.

(a) In a municipal infraction proceeding:

(1) the District Court shall confirm that the defendant has received a copy of and understands the charges;

(2) the defendant may enter a plea of guilty or not guilty;

(3) the District Court shall apply the evidentiary standards provided by law or rule for the trial of a civil case;

(4) the defendant may:

(i) cross–examine witnesses;

(ii) produce evidence or witnesses on the defendant's own behalf;

(iii) testify; and

(iv) be represented by counsel of the defendant's choice and at the

defendant's expense; and

(5) the municipality has the burden to prove by clear and convincing evidence that the defendant has committed the infraction.

(b) The District Court may:

(1) enter a verdict of guilty or not guilty; or

(2) before entering a verdict, place the defendant on probation.

§6–110.

If the District Court finds that the defendant has committed a municipal infraction:

(1) (i) the court shall order the defendant to pay the fine, including any doubling of the fine, not exceeding the limit under § 6–102(c) of this subtitle;

(ii) the fine imposed is a judgment in favor of the municipality; and

(iii) if the fine remains unpaid for 30 days after the judgment is entered, the judgment is enforceable in the same manner and to the same extent as other civil judgments for money unless the court has suspended or deferred the payment of the fine as provided under item (2) of this section;

(2) the court may suspend or defer the payment of the fine under conditions that the court sets;

(3) the defendant is liable for the costs of the court proceedings; and

(4) the court may order the defendant to abate the infraction or enter an order authorizing the municipality to abate the infraction at the defendant's expense.

§6–111.

(a) If a municipality abates an infraction under a District Court order, the municipality shall present the defendant with a bill for the cost of abatement by:

(1) regular mail to the defendant's last known address; or

(2) any other means that are reasonably calculated to give notice of the bill to the defendant.

(b) If the defendant does not pay the bill within 30 days after it is presented under subsection (a) of this section, on a motion of the municipality, the District Court shall enter a judgment against the defendant for the cost of the abatement.

§6–112.

(a) Court costs in a municipal infraction proceeding in which costs are imposed are $5.

(b) A defendant is not liable for payment to the Criminal Injuries Compensation Fund.

§6–113.

All fines, penalties, or forfeitures collected by the District Court for a municipal infraction shall be remitted to the municipality in which the infraction occurred.

§6–114.

If, without good cause, a defendant does not pay a fine or cost imposed by the District Court, the court may treat the failure as contempt of court.

§6–115.

Adjudication of a municipal infraction is not a criminal conviction for any purpose.

§9–101.

(a) This section applies to all counties.

(b) The governing body of a county may not adopt an ordinance, a resolution, a rule, or a regulation at a meeting not open to the public, except in accordance with the Open Meetings Act.

§9–102.

If the county commissioners or county council of a county publishes a code or compilation that contains all or part of the public local laws of the county, the county commissioners or county council shall provide without charge:

(1) one printed copy to the State Archives;

(2) one printed copy to the State Law Library; and

(3) five printed copies to the Department of Legislative Services.

§9–103.

(a) In this section, "ordinance":

(1) means a legislative enactment of general application and continuing force for Baltimore City; and

(2) does not include a public local law under § 9–102 of this subtitle.

(b) Each year, if Baltimore City enacts any ordinance appropriate for codification during the year, the Mayor and City Council of Baltimore City shall provide for the preparation and distribution of a supplement to or new edition of its code of ordinances.

(c) (1) A supplement published under subsection (b) of this section shall contain each ordinance that is in effect and has been enacted or amended since Baltimore City's most recent code of ordinances was published.

(2) A new code published under subsection (b) of this section shall contain each ordinance that is in effect at the time of publication.

§9–104.

(a) This section applies to all counties, except Baltimore City.

(b) The governing body of a county may appoint all officers, agents, and employees required for a county purpose and not otherwise provided for by law.

(c) The governing body of a county controls property owned by the county.

§9–105.

(a) (1) Subject to paragraph (2) of this subsection, this section applies only to commission counties.

(2) This section does not apply to Cecil County.

(b) (1) This section applies only to a section of this article that specifically references this section.

(2) This section does not apply to a resolution expressing the opinion or an administrative act of the county commissioners of Frederick County, St. Mary's County, or Somerset County.

(c) (1) The county commissioners may not adopt an act, an ordinance, or a resolution until 10 days after a public hearing has been held on the proposed act, ordinance, or resolution.

(2) The county commissioners shall publish notice of the public hearing and a summary of the proposed act, ordinance, or resolution in at least one newspaper of general circulation in the county once each week for 2 successive weeks.

§9–106.

(a) This section applies only to commission counties.

(b) This section applies only to a section of this article that specifically references this section.

(c) (1) A copy of each act, ordinance, or resolution adopted by the county commissioners, certified by the presiding officer of the county commissioners and attested to by the clerk of the county commissioners, shall be filed with the clerk of the court of the county.

(2) The clerk of the court shall record, date, and index the act, ordinance, or resolution without charge in a volume provided by the county commissioners.

(d) An act, an ordinance, or a resolution adopted by the county commissioners may not take effect until:

(1) a copy has been filed with the clerk of the court of the county; and

(2) a fair summary of the act, ordinance, or resolution has been published in at least one newspaper of general circulation in the county.

(e) An act, an ordinance, or a resolution filed in accordance with this section shall be admissible as evidence in any court proceeding on certification by the clerk of the court of the county.

§9–107.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this subtitle apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may provide for advertising, printing, and publishing of:

(1) laws, ordinances, resolutions, or regulations adopted by the county; and

(2) the annual statements of receipts and expenditures of the county.

(d) The governing body of a county may provide for the recording and indexing of records in the office of the clerk of the court, register of wills, the governing body, and other officers to the extent that the recording and indexing are not provided for by general law.

(e) The governing body of a county shall:

(1) appoint an auditor or accountant within 30 days after the close of the fiscal year to audit the books and accounts of all county officers collecting, holding, or disbursing county funds; and

(2) publish or advertise the report of the auditor or accountant immediately after its completion to the extent that the governing body considers proper.

§9–108.

(a) Except where a dividing line is fixed in a river by law, the jurisdiction of a county lying on a navigable river in this State extends from the shore to the channel of the river dividing the county from another county.

(b) Except as provided in subsection (c) of this section, if a vessel is located on a river between counties, process may be served on board the vessel by an officer of either county.

(c) A vessel that is moored or fastened to the land on either side of a river is considered to be in the county where the vessel is fastened.

§9–109.

(a) This section does not apply if the boundary between counties is a navigable river.

(b) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of a county bounded at any point by navigable waters extends from the shore to the inside of the channel, which is considered the center of the waters.

(2) If the navigable waters join a neighboring state, the jurisdiction of the county continues to the ultimate limit of the state.

(c) (1) The center of waters in subsection (b) of this section shall be as represented on the county maps issued under the authority of Chapter 51, Acts of 1896 and Chapter 129, Acts of 1898.

(2) A county map referred to in paragraph (1) of this subsection is admissible as evidence of the location of county boundaries.

(d) (1) Certified copies of county maps issued under subsection (c)(1) of this section shall be kept on file with:

(i) the clerk of the court for each county; and

(ii) the governing body of each county.

(2) Certified copies of county maps are official and authoritative.

(e) Nothing in this section changes the rights the State may have on or under the waters described in this section.

§9–110.

Frederick County is a region of the State and shall be treated as a region by all units of State government.

§9–111.

The County Commissioners of Allegany County may direct that any office under the control of the county commissioners be closed for business on Saturdays.

§9–112.

(a) (1) The governing body of each county may erect two pillars 100 feet apart on the same meridian line in a public spot adjacent to the county courthouse of each county.

(2) There shall be a distinctly visible needle point on the top of one of the pillars and a hair sight on top of the other pillar so that a straight line passing through its center and the center of the needle point would be on the true meridian line running north and south.

(3) The needle point and hair sight required under this subsection shall be properly enclosed and protected.

(b) (1) The governing body of the county may:

(i) determine the accurate latitude and longitude of the pillars erected under subsection (a) of this section; and

(ii) mark the latitude and longitude on one of the pillars in degrees, minutes, seconds, and parts of seconds.

(2) The longitude shall be determined from the meridian of Washington, D.C.

(c) (1) The pillars and enclosures are under the custody of the county clerk.

(2) The pillars and enclosures shall be made available to any surveyor or civil engineer residing or engaged in surveying in the county for the purpose of:

(i) testing compass variations; and

(ii) verifying the meridian line when required by order of the circuit court for the county.

(d) (1) If a county has erected pillars under this section, a surveyor who surveys land in the county shall annually test the surveyor's compass and note the variation of the compass from the meridian line identified under subsection (a) of this section.

(2) (i) The surveyor shall record in the county where the surveyor resides the results of the test, including:

1. the date and time of the test; and

2. an affidavit verifying the correctness of the results.

(ii) The test results shall be recorded in a book kept for the purpose of recording such results.

(3) A surveyor who violates this subsection is subject to a fine of $50 and court costs.

(4) A fine imposed under this subsection may be used as directed by the governing body of the county.

(e) (1) The county clerk may charge a fee for:

(i) recording a certificate of variation;

(ii) recording an affidavit of correctness;

(iii) providing copies or abstracts of certificates of variation or affidavits of correctness; and

(iv) providing certificates and seals regarding certificates of variation or affidavits of correctness.

(2) The fee collected by the clerk shall be the same as fees allowed by law for similar services regarding matters of record in the clerk's office.

(3) The fee shall be paid by the party:

(i) recording the document; or

(ii) requesting a copy or abstract of recorded documents.

(f) (1) A person may not:

(i) willfully erase, deface, displace, or otherwise harm a pillar, or any part of a pillar, erected under subsection (a)(1) of this section; or

(ii) destroy, break down, or remove the enclosure, or any part of the enclosure, required under subsection (a)(3) of this section.

(2) On conviction, a person who violates this subsection is subject to a fine of not less than $50 and not exceeding $500.

(g) The governing body of a county that erects pillars under this section may pay the costs of carrying out this section in the same manner that other county expenses are paid.

§9–113.

(a) In this section, "chief executive officer" means:

(1) the mayor of Baltimore City; or

(2) the County Executive of Montgomery County.

(b) This section applies only to Baltimore City and Montgomery County.

(c) Except as provided in subsection (d) of this section, a candidate for chief executive officer shall be a resident of the county for at least 6 months before the general election for chief executive officer.

(d) If the charter of a county contains a durational residency requirement that is longer than 6 months, the longer durational residency requirement shall be retained if the governing body of the county reaffirms the requirement by enactment of an ordinance no later than 4 weeks before the filing deadline specified in § 5–303(a) of the Election Law Article.

§9–201.

A charter county:

(1) shall have perpetual succession;

(2) may sue and be sued;

(3) may acquire and hold property, either absolutely or in trust for a public purpose;

(4) may dispose of property;

(5) may adopt a common seal; and

(6) may adopt an ordinance, a resolution, or bylaws to exercise its powers.

§9–202.

When a county becomes a charter county:

(1) all property and franchises belonging to or in the possession of the former county commissioners of the county or any county agencies are vested in the charter county as a corporation;

(2) an action against the former county commissioners of the county does not abate and is continued in the name of the charter county with the same effect as if originally brought against the charter county;

(3) all liabilities, obligations, contracts, claims, and demands, accrued or to accrue, of the former county commissioners of the county are the liabilities, obligations, contracts, claims, and demands of the charter county; and

(4) a criminal proceeding is not affected by the adoption of the charter and shall be prosecuted under the law in effect at the time of the crime.

§9–203.

After the adoption or rejection of charter home rule, a county promptly shall notify and provide copies of the adopted or rejected charter to the following:

(1) five copies to the Department of Legislative Services;

(2) one copy to the Secretary of State;

(3) one copy to the State Archives; and

(4) one copy to the Maryland State Law Library.

§9–204.

(a) Members of the county council of a charter county shall be elected as provided in Article XI–A, § 3A of the Maryland Constitution.

(b) A county charter may require that a specified number of members of the county council shall:

(1) reside in specified districts in the charter county; but

(2) be elected by the voters of the entire county.

§9–205.

(a) (1) The voters of a charter county may reserve in the charter the power of referendum by which they may submit a local law enacted by the county council, by petition, to the voters for approval or rejection.

(2) The charter shall specify:

(i) what types of local laws may be petitioned to referendum; and

(ii) whether a part of a local law may be petitioned to referendum.

(b) (1) Subject to paragraph (2) of this subsection, in implementing procedures that relate to the power of referendum, the charter or the local laws shall provide adequate details as to time, notice, and form.

(2) The initial notice of a referendum vote shall be given at least 30 days before the election.

§9–206.

(a) (1) At the end of each calendar or fiscal year, each charter county shall compile a complete set of all local laws enacted during that year under the Express Powers Act, Title 10 of this article.

(2) The laws in the compilation shall be in numerical order, beginning with No. 1, and in a separate series for each year.

(b) (1) Subject to paragraph (3) of this subsection, copies of the compilation shall be:

(i) kept on permanent record at the office of the county council, county executive, or county manager;

(ii) made available for inspection during regular business hours at that office; and

(iii) provided in printed form without charge to the State Archives and the Maryland State Law Library.

(2) Annually, each charter county shall provide each member of the General Assembly representing any part of the county with:

(i) notice that a digital copy of the compilation is available on the Internet; or

(ii) a printed copy of the compilation without charge.

(3) The charter county may make other copies of the compilation available

at a reasonable cost to any person.

(c) On or before March 1 of each year, the charter county shall provide without charge four printed copies of the compilation to the Department of Legislative Services.

(d) Each charter county shall provide to the Department of Legislative Services a statement that includes information on:

(1) the results of any referendum on a proposed local law held during the year; and

(2) any actual or potential pending referendum that had not been held by the end of the year.

§9–207.

(a) (1) At the end of each calendar year, the Department of Legislative Services shall ask each charter county whether the county has enacted any part of its local laws under the Express Powers Act, Title 10 of this article, during that calendar year or its latest fiscal year.

(2) The charter county promptly shall:

(i) answer the inquiry; and

(ii) verify that copies of the requested enactments of local laws have already been sent to the Department of Legislative Services.

(b) (1) The Department of Legislative Services promptly shall certify to the Comptroller if a charter county does not comply with subsection (a) of this section or § 9–206(c) or (d) of this subtitle.

(2) If the Department of Legislative Services certifies noncompliance, the Comptroller may discontinue all funds, grants, or State aid that the charter county is entitled to under State law relating to:

(i) the income tax;

(ii) the tax on racing;

(iii) the recordation tax;

(iv) the admissions and amusement tax; and

(v) license taxes or fees.

(c) The Department of Legislative Services shall:

(1) arrange in a logical and convenient order the titles of the laws of each

charter county that amends its county code;

(2) print each title, identified as a title of the laws of a charter county that amends its county code, in the Session Laws of the General Assembly for its regular session in that year; and

(3) index each title with or in a supplemental volume to the laws enacted by the General Assembly.

§9–301.

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

(b) "Code home rule" means a form of county government organized under Article XI–F of the Maryland Constitution.

(c) "Public local law" has the meaning stated in Article XI–F, § 1 of the Maryland Constitution.

(d) "Voter" means an individual who is registered to vote under Title 3, Subtitle 1 of the Election Law Article.

§9–302.

(a) (1) There are four classes of code counties, based on the geographic region of the State where the county is located.

(2) The geographic regions of the State are:

(i) Central Maryland, consisting of Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Frederick County, Harford County, Howard County, Montgomery County, and Prince George's County;

(ii) Eastern Shore, consisting of Caroline County, Cecil County, Dorchester County, Kent County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, and Worcester County;

(iii) Southern Maryland, consisting of Calvert County, Charles County, and St. Mary's County; and

(iv) Western Maryland, consisting of Allegany County, Garrett County, and Washington County.

(b) Unless limited to one or more classes listed in this section, a public general law enacted by the General Assembly that applies to code counties applies to each code county, regardless of class.

§9–303.

The county commissioners of each county may adopt code home rule subject to approval at referendum by the voters of the county.

§9–304.

(a) If the county commissioners decide to formally consider adopting code home rule, the county commissioners shall:

(1) hold at least two public hearings in the county on the proposal; and

(2) publish notice of the date, time, and place of each public hearing in at least one newspaper of general circulation in the county:

(i) at least three times;

(ii) at weekly intervals; and

(iii) in a period of not more than 30 days before the first public hearing.

(b) At the hearings, the residents and taxpayers of the county shall be given the opportunity to be heard on the proposal to adopt code home rule.

§9–305.

(a) Within 60 days after the last public hearing, the county commissioners shall decide whether to adopt code home rule.

(b) To adopt code home rule, the county commissioners shall adopt a resolution by at least a two–thirds majority of all the individuals elected to the board of county commissioners.

(c) The resolution shall state that, subject to approval at referendum, the county shall operate under Article XI–F of the Maryland Constitution.

(d) The county commissioners shall send a certified copy of the resolution to the county board of elections.

§9–306.

(a) The county board of elections shall submit the question of code home rule to the voters of the county for their adoption or rejection:

(1) at the next regular congressional election; and

(2) in accordance with the requirements of the Election Law Article as to time, notice, and form.

(b) The ballot shall contain the words "For Adoption of Code Home Rule" and "Against Adoption of Code Home Rule".

(c) Within 10 days after receiving a certification of the vote on the referendum from the county board of elections:

(1) if a majority of those who voted on the question voted in favor of adoption of code home rule:

(i) the county commissioners publicly shall so proclaim; and

(ii) on the 30th day after the public proclamation, the county shall become a code county; or

(2) if less than a majority of those who voted on the question voted in favor of adoption of code home rule:

(i) the county commissioners publicly shall so proclaim; and

(ii) the proclamation shall state that the proposal to adopt code home rule is not approved.

(d) After the adoption or rejection of code home rule, the county commissioners promptly shall send notification as follows:

(1) five copies to the Department of Legislative Services;

(2) one copy to the Secretary of State;

(3) one copy to the State Archives; and

(4) one copy to the Maryland State Law Library.

§9–307.

A code county may return to its form of government before the adoption of code home rule by following the same procedure required by this subtitle for the adoption of code home rule.

§9–308.

Each code county shall proceed in accordance with this subtitle to exercise the powers to enact public local laws.

§9–309.

(a) By public local law, the county commissioners of a code county shall establish a specified number of days, not exceeding 45 days, in each year on which the county commissioners may meet to enact public local laws.

(b) (1) Legislative days:

(i) need not be consecutive; and

(ii) may be designated by public local law.

(2) If a legislative day is not specified or not determinable by public local law, the county commissioners shall publish notice of the legislative day in a newspaper of general circulation in the code county between 3 and 14 days before the legislative day.

(c) (1) The first legislative session of a code county shall:

(i) begin on the first business day 60 days after the effective date of code home rule; and

(ii) be 15 days long.

(2) The 15 days of the first legislative session do not count as part of the annual 45 legislative days.

(d) Each legislative session shall be open to the public.

§9–310.

(a) Each public local law of a code county shall be passed by original bill.

(b) The style of the enacting clause for each bill shall be "Be it enacted by ".

(c) Each public local law enacted shall embrace only one subject, which shall be described in the title of the bill.

(d) A public local law may not be repealed or amended by reference to its title only.

§9–311.

(a) A county commissioner of a code county may introduce a bill on any legislative day.

(b) (1) (i) Not later than the next day after the introduction of a bill, the presiding officer of the county commissioners shall schedule a public hearing on the bill.

(ii) A bill may be rejected after its introduction without a hearing by a vote of at least two–thirds of the total membership of the county commissioners.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the public hearing on a bill shall be held not less than 7 days after introduction of the bill.

(ii) For an emergency bill, the public hearing shall be held not less than 3 days after introduction of the emergency bill.

(3) The public hearing on a bill:

(i) need not be held on a legislative day; and

(ii) may be adjourned from time to time.

(c) (1) After the introduction of a bill, a copy of the bill and notice of the date, time, and place of the hearing shall be posted:

(i) as soon as practicable;

(ii) on an official bulletin board in a public place in the building in which the county commissioners usually meet; and

(iii) in a manner that provides the public ready access to the copy of the bill and the notice during regular business hours.

(2) Additional copies of the bill and notice of the hearing shall be made available to the public.

(d) Each copy of a bill shall contain:

(1) the name of the county commissioner who introduced the bill; and

(2) the date the bill was introduced.

(e) (1) An amendment proposed to a bill shall be in writing.

(2) A copy of each amendment shall be made available for inspection by the public.

(f) (1) After a public hearing, a bill may be finally passed on a legislative day with or without amendment.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if a bill is amended before final passage, the bill may not be passed until it is reprinted as amended.

(ii) If an emergency bill is amended before final passage, the emergency bill need not be reprinted as amended.

(3) Except for an emergency bill, a bill may not be passed less than 7 days after its introduction.

(g) (1) Except as provided in paragraph (2) of this subsection, to become a public local law, a bill shall be passed by an affirmative vote of the majority of the total

membership of the county commissioners.

(2) An emergency bill shall be passed:

(i) by an affirmative vote of at least four–fifths of the total membership; or

(ii) if the total membership is three members, by an affirmative vote of at least two members.

(h) (1) The county commissioners shall keep a journal that shall be open to public inspection at all reasonable times.

(2) On final passage of a bill, the yea and nay votes shall be recorded in the journal.

(i) Each bill that passes, or a fair summary of it, shall be published:

(1) in at least one newspaper of general circulation in the county;

(2) at least three times;

(3) at weekly intervals; and

(4) within the 4–week period after passage of the bill.

§9–312.

(a) Except as provided in subsection (b) of this section, a public local law enacted by the county commissioners of a code county takes effect:

(1) 45 days after it is enacted; or

(2) at a later date specified in the public local law.

(b) (1) A public local law takes effect on the date of its passage if it is passed as an emergency bill.

(2) An emergency bill may not:

(i) abolish or create an office;

(ii) change a salary, term, or duty of an officer;

(iii) grant a franchise or special privilege; or

(iv) create a vested right or interest.

§9–313.

(a) (1) The voters of a code county may submit to referendum, by petition, a public local law or a part of a public local law enacted under this subtitle.

(2) The referendum shall be:

(i) at the next regular congressional election unless the county commissioners, by resolution, schedule a special election;

(ii) in accordance with the requirements of Title 7 of the Election Law Article as to time, notice, and form; and

(iii) for adoption or rejection by a majority of those voting on the question.

(b) (1) Subject to paragraph (2) of this subsection, a referendum petition shall:

(i) be filed with the county board of elections within 40 days after a public local law is enacted; and

(ii) contain the signatures of at least 10% of the voters of the code county.

(2) If more than one–half but less than the full number of signatures required to complete a referendum petition against a public local law are filed within 40 days after the public local law is enacted, the time for the public local law to take effect and the time for filing the remainder of signatures to complete the referendum petition is extended for an additional 40 days.

(c) (1) Subject to paragraph (2) of this subsection, a referendum petition may consist of several papers.

(2) Each paper shall:

(i) contain the full text of the public local law or part of the public local law petitioned to referendum; and

(ii) have attached to it an affidavit of the individual who procured the signatures on the petition that certifies that to the best of the individual's personal knowledge, information, and belief:

1. each signature on the petition is genuine; and

2. the signers are voters in the code county.

(d) The county board of elections shall verify the voter registration of each signer.

(e) (1) Except as provided in paragraph (2) of this subsection, if a legally sufficient referendum petition on a public local law is filed with the county board of elections, the public local law does not take effect until 30 days after its approval by a majority of the voters voting on the question.

(2) An emergency law petitioned to referendum:

(i) remains in effect from its effective date notwithstanding the filing of the referendum petition; but

(ii) is repealed 30 days after its rejection by a majority of the voters voting on the question.

§9–314.

(a) At the end of each calendar or fiscal year, each code county shall compile a complete set of all public local laws enacted by the code county during that year.

(b) (1) Subject to paragraph (3) of this subsection, copies of the compilation shall be:

(i) kept on permanent record at the office of the county commissioners;

(ii) made available for inspection during regular business hours at the office; and

(iii) provided in printed form without charge to the State Archives and the Maryland State Law Library.

(2) Annually, each code county shall provide each member of the General Assembly representing any part of the county with:

(i) notice that a digital copy of the compilation is available on the Internet; or

(ii) a printed copy of the compilation without charge.

(3) The code county may make other copies of the compilation available at a reasonable cost to any person.

(c) On or before March 1 of each year, the code county shall provide without charge four printed copies of the compilation to the Department of Legislative Services.

(d) Each code county shall provide to the Department of Legislative Services a statement that includes information on:

(1) the results of any referendum on a public local law held during the previous calendar or fiscal year; and

(2) any actual or potential pending referendum that has not been held by the end of the year.

§9–315.

(a) (1) At the end of each calendar year, the Department of Legislative Services shall ask each code county whether the county has enacted any part of its public local laws during that calendar year or its latest fiscal year.

(2) The code county promptly shall:

(i) answer the inquiry; and

(ii) verify that copies of the requested enactments of public local laws already have been sent to the Department of Legislative Services.

(b) (1) The Department of Legislative Services promptly shall certify to the Comptroller if a code county does not comply with subsection (a) of this section or § 9–314(c) or (d) of this subtitle.

(2) If the Department of Legislative Services certifies noncompliance, the Comptroller may discontinue all funds, grants, or State aid that the code county is entitled to under State law relating to:

(i) the income tax;

(ii) the tax on racing;

(iii) the recordation tax;

(iv) the admissions and amusement tax; and

(v) license taxes or fees.

(c) The Department of Legislative Services shall:

(1) arrange in a logical and convenient order the titles of the laws of each code county that amends its code of public local laws;

(2) print each title, identified as a title of the laws of a code county that amends its code of public local laws, in the Session Laws of the General Assembly for its regular session in that year; and

(3) index each title with or in a supplemental volume to the laws enacted by the General Assembly.

§9–401.

(a) This section applies only to code counties and commission counties.

(b) The number of county commissioners in each county shall be set by the public local laws of the county.

(c) (1) Subject to paragraph (2) of this subsection, the county commissioners shall:

(i) meet within 60 days after their election; and

(ii) qualify by taking the constitutional oath.

(2) The County Commissioners of St. Mary's County shall take office on the first Monday in December after their election.

(d) (1) The county commissioners shall meet at least once each quarter.

(2) The County Commissioners of St. Mary's County shall meet at least 48 times a year.

(3) The County Commissioners of Washington County shall hold at least 10 of their general meetings each year in the evening.

§9–402.

(a) This section applies only to:

(1) commission counties; and

(2) except as otherwise provided by local law, code counties.

(b) (1) Subject to subsection (c) of this section, if a vacancy occurs in an office of county commissioner, the Governor shall appoint an individual to fill the vacancy.

(2) (i) If a vacancy occurs during a session of the Senate of Maryland, the Governor shall appoint the individual with the advice and consent of the Senate.

(ii) In Allegany County, if there is no resident senator from Allegany County in the Senate of Maryland at the time of the appointment, the Governor shall appoint the individual with the advice and consent of the House of Delegates.

(iii) If a vacancy occurs during a recess of the Senate of Maryland, the Governor shall:

1. appoint an individual during the recess; and

2. submit to the Senate the nomination of the individual appointed, or another individual, not later than 30 days after the next meeting of the General Assembly begins.

(c) (1) Except as provided in paragraph (4) of this subsection and subject

to paragraph (5) of this subsection, the central committee of the political party that is affiliated with the vacating county commissioner shall submit in writing to the Governor the name of the individual that the political party nominates to fill the vacancy.

(2) The individual nominated by the central committee shall be of the same political party as the vacating county commissioner.

(3) The Governor shall nominate or appoint the individual whose name is submitted under paragraph (1) of this subsection within 15 days after the submission.

(4) If there is no central committee in the county in which the vacancy occurs, the Governor shall appoint an individual to fill the vacancy who has all the qualifications required for the office of county commissioner in the particular county.

(5) In Garrett County, the nominee or appointee shall be a resident of the same commissioner district in which the former county commissioner resided.

§9–403.

(a) This section applies only to code counties and commission counties.

(b) The county commissioners of each county are a corporation.

§9–404.

(a) This section applies only to code counties and commission counties.

(b) The county commissioners may sue and be sued.

(c) The county commissioners may not pay a claim against the county unless:

(1) the claim is payable by the county; and

(2) the claimant produces legal proof of the claim.

§9–405.

(a) This section applies only to code counties and commission counties.

(b) This section does not apply to a county that has adopted local ethics laws under §§ 5–808 and 5–809 of the General Provisions Article if the local ethics laws have been approved by the State Ethics Commission.

(c) During a county commissioner's term of office, the county commissioner may not:

(1) possess or acquire any share or interest in, or have or participate in, either directly or indirectly, any benefit, profit, or compensation of any agreement

or contract entered into with any party by the county commissioners as county commissioners; or

(2) accept, possess, or acquire any claim, or any share or interest in any claim, on or against the county of which the individual is a commissioner if the claim has been or will be passed on and approved by the county commissioners.

(d) (1) If a county commissioner violates the provisions of this section, the county commissioner is subject to prosecution.

(2) A county commissioner who is convicted under this section shall forfeit:

(i) the office; and

(ii) the county commissioner's share or interest in the agreement, contract, or claim in which the county commissioner was involved.

§9–406.

(a) This section applies only to code counties and commission counties.

(b) This section does not apply to a clerk of court or a sheriff.

(c) If a county treasurer, tax collector, county commissioner, or any county official is required by law to give a bond:

(1) the county official shall give a bond executed by a surety company that is authorized to do business in the State; and

(2) the bond shall be approved by the county.

(d) (1) The county may pay the premium for a bond given under subsection (c) of this section, not to exceed 0.5% per year of the penalty of an executed and approved bond.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, when a bond is executed and approved, the county commissioners may direct the payment of the premium of the bond from the general fund of the county in the same manner as required to pay general county debts.

(ii) The payment of the premium on the bond given by a register of wills or State's Attorney shall be charged as an expense of that officer.

§9–501.

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

(b) "Official action" means a phase of the process in which a public agency in St. Mary's County makes a decision or recommendation, including receipt of information

and deliberation.

(c) (1) "Public agency" means:

(i) a governmental unit of St. Mary's County, including an advisory or quasi–judicial agency, that is:

1. supported in any part by public money; or

2. authorized to spend public money; and

(ii) the St. Mary's County Board of Education.

(2) "Public agency" includes a subcommittee or other subordinate unit of a governmental unit listed in paragraph (1) of this subsection.

(3) "Public agency" does not include:

(i) a grand jury;

(ii) a petit jury;

(iii) a law enforcement agency; or

(iv) the judicial branch.

(d) "Public agency meeting" means the convening of a quorum of the constituent membership of a public agency to deliberate or act on a matter under the supervision, control, jurisdiction, or advisory power of the public agency.

(e) "Quorum", unless otherwise defined by applicable law, means a simple majority of the constituent membership of a public agency.

(f) "Staff meeting" means a meeting of three or more staff members of one or more public agencies.

§9–502.

It is the policy of St. Mary's County that:

(1) public officials shall engage in official action in an open and public manner so that voters are advised of the performance of public officials and of decisions made in forming public policy;

(2) public agencies exist to aid in conducting the people's business;

(3) the people of the county, in delegating authority, do not yield their sovereignty or give public agencies the right to decide what is good for the people to know and what is not good for them to know; and

(4) the right of the people to remain informed is protected so that they may retain control over the instruments they create.

§9–503.

This subtitle prevails if it conflicts with another statute, ordinance, regulation, or rule, unless the other statute, ordinance, regulation, or rule is more stringent.

§9–504.

(a) Except as provided in § 9–512 of this subtitle, a public agency meeting at which official action is taken shall be open to the public.

(b) A final decision whether to purchase or dispose of real property shall be at a public agency meeting open to the public.

§9–505.

(a) This section does not apply to a staff meeting.

(b) A public agency shall provide written public notice of the schedule of its regular public agency meetings, including their dates, times, and places:

(1) at the beginning of each calendar or fiscal year; or

(2) at the time the public agency begins to function.

(c) (1) Except as provided in § 9–506 or § 9–507 of this subtitle, a public agency shall provide supplemental written public notice of any special or rescheduled public agency meeting at least 48 hours before the meeting.

(2) The notice shall include the agenda, date, time, and place of the public agency meeting.

(d) A public agency shall provide written public notice by:

(1) posting a copy of the notice prominently at the principal office of the public agency or at the building in which the public agency meeting is to be held; and

(2) sending a copy of the notice to any person who requests to be notified of the public agency meetings.

(e) A public agency shall give notice of intent to purchase or dispose of real property at least 15 days before a voting session on the action.

§9–506.

A public agency meeting may be adjourned and reconvened at another time without additional public notice if:

(1) notice of the time and place of the reconvened meeting is provided before adjournment;

(2) the agenda for the reconvened meeting is published in advance; and

(3) the agenda for the original meeting is available to observers at the beginning of the original meeting.

§9–507.

(a) This section does not apply to a staff meeting.

(b) A public agency may schedule an emergency public agency meeting to discuss unforeseen emergency conditions.

(c) A public agency shall make a reasonable effort to provide notice of the date, time, and place of an emergency public agency meeting by telephone to the news media immediately after participants have been notified.

§9–508.

(a) This section does not apply to:

(1) a staff meeting; or

(2) a working session if a final decision is not made.

(b) A public agency shall take and, in a timely manner, record minutes of each public agency meeting open to the public.

(c) Minutes of a public agency meeting are a public record open for inspection and copying by any person.

§9–509.

(a) A public agency that conducts a meeting that is open to the public shall allow recorded or live radio and television broadcasting and the use of recording devices.

(b) A public agency may adopt rules and regulations regarding the recording and broadcasting of public agency meetings.

§9–510.

Except as provided in § 9–512 of this subtitle, a staff meeting shall be open to the public.

§9–511.

A public agency meeting that is required to be open to the public under

this subtitle shall be conducted in a location with reasonable facilities for public observation.

§9–512.

(a) A public agency meeting or a staff meeting may be conducted in a closed session only:

(1) to consider or discuss the assignment, promotion, resignation, salary, demotion, dismissal, reprimand, or appointment of a member of a public agency or employee, unless the individual, as a matter of public record, makes a written request for an open session;

(2) to discuss strategy in collective bargaining or litigation;

(3) to engage in collective bargaining;

(4) to discuss the distribution of police forces to cope with public safety emergencies;

(5) to discuss cost estimates for capital projects to be subsequently placed through the bidding process;

(6) to hold preliminary discussions concerning the purchase or disposition of real property;

(7) when State law or federal regulation prohibits a meeting open to the public;

(8) to meet a condition for anonymity of a donor contained in a gift or bequest to the public agency;

(9) when secrecy is necessary to prevent the premature disclosure of the format or content of examinations or the disclosure of results of examinations as related to individual students; or

(10) if the meeting is conducted by the County Board of Education or its staff to:

(i) consider the discipline of a student, unless the parent, guardian, or student requests an open session of the County Board of Education; or

(ii) discuss specific students, families, or personnel and the disclosure of the discussions could prove detrimental or harmful to those individuals.

(b) (1) A closed session shall be announced in advance at a meeting that is open to the public.

(2) An announcement of a closed session shall include the nature of the

business of the closed session.

(3) The closed session shall be limited to the matters described in subsection (a) of this section.

(c) The minutes of the next open session shall include the justification for holding the closed session, the names of those in attendance, and the times the meeting begins and ends.

(d) An ordinance, resolution, rule, regulation, or decision may not be finally adopted at a closed session.

§9–513.

A public agency may adopt rules and regulations to maintain order at its public agency meetings.

§9–514.

(a) (1) A person denied a right conferred by this subtitle may file a complaint for mandamus, injunction, or other appropriate remedy in circuit court.

(2) A plaintiff need not allege or prove an irreparable injury or an injury different from the public at large.

(b) A complaint under this section shall be filed within 1 year after the date of the alleged violation.

(c) The court shall conduct a hearing within 7 days after a complaint is filed.

(d) A violation of this subtitle is deemed an injury to the public at large.

(e) (1) The court shall issue an order that:

(i) grants or denies all or part of the relief sought;

(ii) awards appropriate attorney's fees or costs; and

(iii) determines the effect of the action alleged to be in violation of this subtitle.

(2) The court may void an action taken at a public agency meeting in violation of this subtitle.

§9–515.

(a) (1) A person who knowingly violates this subtitle more than twice is guilty of a misdemeanor.

(2) A person who willfully violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

(b) If a civil order finding the defendant in violation of this subtitle is not entered at least once before the occurrence of an alleged misdemeanor, a violation of this subtitle is presumed not to be willful.

§9–516.

This subtitle may be cited as the St. Mary's County Open Meetings Act.

§10–101.

This title does not apply to Baltimore City.

§10–102.

(a) In addition to other powers granted to charter counties, each charter county may exercise by legislative enactment the express powers provided in Subtitles 2 and 3 of this title.

(b) In addition to other powers granted to code counties, each code county may exercise by legislative enactment the express powers provided in Subtitle 3 of this title.

§10–103.

The express powers contained in this title are intended to and shall be deemed to incorporate and include the power and authority contained in Title 5, Subtitle 8, Part II of the General Provisions Article.

§10–201.

This subtitle applies only to charter counties.

§10–202.

(a) A county may enact local laws and may repeal or amend any local law enacted by the General Assembly on any matter covered by the express powers in this title.

(b) A county may provide for the enforcement of an ordinance, a resolution, a bylaw, or a regulation adopted under this title:

(1) by civil fines not exceeding $1,000; or

(2) by criminal fines and penalties not exceeding $1,000 and imprisonment not exceeding 6 months.

(c) A county may provide for the enforcement of local fair housing laws by fines or penalties that do not exceed the fines or penalties provided in the federal Fair Housing Act Amendments of 1988 for enforcement of similar federal fair housing laws.

(d) A county may provide for the enforcement of local employment discrimination laws or public accommodations discrimination laws by civil fines not exceeding $5,000 for any offense.

§10–203.

(a) (1) Subject to any limit imposed by a county charter and this subsection, a county may provide for the borrowing of money on the faith and credit of the county and for the issuance of bonds or other evidences of indebtedness in accordance with local law.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the aggregate amount of bonds and other evidences of indebtedness outstanding at any one time may not exceed the sum of 6% of the assessable basis of all real property in the county plus 15% of the county's assessable basis of personal property and operating real property as described in § 8–109(c) of the Tax – Property Article.

(ii) The following evidences of indebtedness may not be considered as bonds or evidences of indebtedness in applying the limits in this subsection:

1. tax anticipation notes or other evidences of indebtedness having a maturity not in excess of 12 months;

2. bonds or other evidences of indebtedness issued or guaranteed by the county payable primarily or exclusively from taxes levied in or on, or other revenues of, special taxing districts; and

3. bonds or other evidences of indebtedness issued for self–liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services.

(3) (i) If a petition for submission to referendum is filed in accordance with the county charter and local laws of a county, a local law authorizing the borrowing of money or issuance of bonds or other evidences of indebtedness shall be submitted to the voters of the county for approval or rejection.

(ii) If the county charter does not contain a provision for submission to referendum, a local law that authorizes the borrowing of money or issuance of bonds or other evidences of indebtedness shall be submitted to the voters of the county for approval or rejection if a petition for submission to referendum that bears the signatures of at least 10% of the registered voters of the county is filed with the county board of elections within 75 days after the local law is enacted.

(b) (1) A county may provide for the issuance of bonds or other evidences of

indebtedness payable as to principal and interest and premium, if any, solely from the money received from or in connection with any system, project, or undertaking, all or part of which is financed from the proceeds of the bonds or other evidences of indebtedness.

(2) Bonds or other evidences of indebtedness issued under this subsection:

(i) are not an indebtedness of the county or a pledge of its faith and credit or taxing power;

(ii) may be sold at a private, negotiated sale; and

(iii) are not subject to the limitations of:

1. subsection (a) of this section;

2. §§ 19–205 and 19–206 of this article; or

3. the county charter.

(3) This subsection does not limit the power of a county to issue revenue bonds in accordance with any other applicable law.

(c) The bonds, notes, and any other evidences of indebtedness issued under this section, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt from taxation of any kind by the State, any political subdivision, or any other public entity.

§10–204.

A county may pass any ordinance that facilitates the amendment of the county charter by referendum of the voters of the county in accordance with Article XI–A, § 5 of the Maryland Constitution.

§10–205.

A county may provide for the conduct of a special election to fill a vacancy in the county council or in the office of chief executive officer or county executive.

§10–206.

(a) A county council may pass any ordinance, resolution, or bylaw not inconsistent with State law that:

(1) may aid in executing and enforcing any power in this title; or

(2) may aid in maintaining the peace, good government, health, and welfare of the county.

(b) A county may exercise the powers provided under this title only to the extent that the powers are not preempted by or in conflict with public general law.

(c) A county may not pass any law under this title regarding the licensing, regulating, prohibiting, or submitting to referendum the manufacture or sale of alcoholic beverages.

§10–301.

This subtitle applies only to charter counties and code counties.

§10–302.

(a) By ordinance, a county may establish a commission to recommend compensation and allowances for members of the county legislative body.

(b) (1) Within 15 days after the beginning of the fourth year of the term, a commission established under this section, by resolution, shall submit to the county legislative body its recommendation for the compensation and allowances for members of the county legislative body.

(2) Subject to subsection (e) of this section, the commission may recommend an increase or decrease in the compensation and allowances for members of the county legislative body.

(c) On receiving the resolution, the county legislative body may reduce or reject the commission's recommendation, but may not increase any item.

(d) Any change in the compensation and allowances of members of the county legislative body shall be enacted by ordinance before the election for the members of the next succeeding county legislative body and take effect only for the members of the next succeeding county legislative body.

(e) The compensation or allowances for members of the county legislative body of a charter county may not be less than provided in the county charter.

§10–303.

(a) If a county executive is authorized, the county may set the qualifications, term of office, and compensation for the county executive.

(b) A county may provide for the appointment and removal of all county officers except those whose appointment or election is provided for by the Maryland Constitution or public general law.

(c) A county legislative body may enact local laws to:

(1) prevent conflicts between the private interests and public duties of

county officers and members of the county legislative body;

(2) govern the conduct and actions of all county officers and members of the county legislative body in the performance of their public duties; and

(3) provide for penalties, including removal from office, for a violation of the local laws or any regulations adopted under the local laws.

(d) A county may provide for a merit system governing the appointment of county officials and employees not elected or appointed under the Maryland Constitution or public general law.

§10–304.

(a) A county may establish, maintain, and control hospitals, homeless shelters, and other similar institutions in the county.

(b) A county may establish and maintain courthouses.

(c) A county may:

(1) establish and maintain local correctional or detention facilities and juvenile facilities;

(2) regulate all individuals confined in the facilities; and

(3) make appropriate provisions for females and juveniles.

§10–305.

(a) A county may enact local laws to provide for:

(1) the establishment of a county board of appeals, whose members shall be appointed by the county legislative body;

(2) the number, qualifications, terms, and compensation of the members of the county board of appeals;

(3) the adoption by the county board of appeals of rules of practice that govern its proceedings; and

(4) a decision by the county board of appeals on petition of any interested person, after notice and opportunity for hearing, on the basis of a record before the board.

(b) The county board of appeals may have original jurisdiction or jurisdiction to review the action of an administrative officer or unit of county government over matters arising under any law, ordinance, or regulation of the county council that concerns:

(1) an application for a zoning variation or exception or amendment of a zoning map;

(2) the issuance, renewal, denial, revocation, suspension, annulment, or modification of any license, permit, approval, exemption, waiver, certificate, registration, or other form of permission or of any adjudicatory order; or

(3) the assessment of any special benefit tax.

(c) When issuing a decision, the county board of appeals shall file an opinion that shall include a statement of the facts found and the grounds for the decision.

(d) (1) Any person aggrieved by the decision and a party to the proceeding before the county board of appeals may seek review by the circuit court for the county.

(2) The circuit court may:

(i) affirm the decision; or

(ii) if the decision is not in accordance with law:

1. modify the decision with or without remanding the case for rehearing; or

2. reverse the decision with or without remanding the case for rehearing.

(3) Any party to the proceeding in the circuit court aggrieved by the decision of the circuit court may appeal to the Court of Special Appeals in the same manner provided for civil cases.

§10–306.

A county may create and revise election districts and precincts.

§10–307.

Unless otherwise governed by other public general law, a county may provide for the recording and indexing of records of:

(1) the clerk of the court;

(2) the register of wills; and

(3) the county commissioners or the county council.

§10–308.

A county may provide for advertising, printing, and publishing of county

documents, including:

(1) ordinances, bylaws, and resolutions; and

(2) annual statements of expenses of the county government.

§10–309.

(a) A county may provide for:

(1) the auditing of county accounts; and

(2) assisting the Legislative Auditor or other State officer authorized to audit the county accounts.

(b) A county may provide for proof of claims against the county before their payment.

§10–310.

(a) For any county work, a county may provide for competitive bidding and the making and awarding of contracts and may require bonds.

(b) A county may provide for the purchase of materials, supplies, and equipment through the Department of General Services.

§10–311.

A county may prevent the credit of the county in any manner from being given or loaned to or in aid of any person.

§10–312.

(a) A county may provide for the protection of county property.

(b) A county may provide for:

(1) the acquisition by purchase, lease, condemnation, or otherwise of property required for public purposes in the county; and

(2) the disposal of any real or leasehold county property, if the county property is no longer needed for public use.

(c) A county may lease as lessor any county property to further the public purposes of the county, on any terms and compensation that the county considers proper.

(d) A county may provide for the financing of any housing or housing project wholly or partly, including the placement of a deed of trust, mortgage, or other debt

instrument on the property to ensure repayment of funds used to purchase, construct, rehabilitate, or otherwise develop the housing project.

(e) (1) A county may grant any franchise or right to use a franchise, including any right or franchise in relation to any highway, street, road, lane, alley, or bridge.

(2) A county may grant a franchise for a cable television system as provided in § 1–707 of this article.

(3) For any franchise granted under this subsection, a county may:

(i) impose franchise fees; and

(ii) establish rates, rules, and regulations.

(f) (1) Except as provided in paragraph (2) of this subsection, before the county makes any disposition, grant, or lease of county property, the county shall publish notice of the disposition, grant, or lease once a week for 3 successive weeks in at least one newspaper of general circulation in the county and shall include the terms and the compensation to be received and give opportunity for objections.

(2) A county may grant an easement for a public utility without giving notice under this subsection.

§10–313.

(a) (1) A county may direct the class or subclass of property that is subject to the county property tax.

(2) A county may impose a tax on the value of property of any sum that may be necessary:

(i) to pay the principal and interest of any loan obtained by the county according to law;

(ii) to provide for the sinking fund authorized under paragraph (3) of this subsection; and

(iii) for the support and maintenance of the county government.

(3) A county may create a sinking fund to meet the liabilities incurred by the county.

(b) A county may provide for:

(1) the prompt collection of all taxes due the county; and

(2) the sale of property for the payment of unpaid taxes.

(c) A county may:

(1) correct errors in the assessment of property;

(2) provide for the reduction or abatement of assessments improperly made; and

(3) provide for the reimbursement of overpayments made because of an assessment error.

(d) (1) A county may impose a tax for the organization, operation, and maintenance of:

(i) libraries;

(ii) fire and ambulance services; and

(iii) other municipal services.

(2) A county may authorize the purchase, sale, construction, maintenance, and operation of all property necessary or incidental to the services listed in paragraph (1) of this subsection.

(e) A county may impose a tax to pay for additional retirement or disability benefits to any former county employee who is entitled to receive additional benefits.

§10–314.

(a) Except as provided in subsection (b) of this section, a county may establish, modify, or abolish special taxing districts for any purpose listed in this title.

(b) This section does not authorize the modification or abolition of an existing special taxing district that:

(1) performs municipal services, other than furnishing fire protection or library service; and

(2) is governed or administered by a committee or a commission elected or appointed independently of the county legislative body.

§10–315.

(a) In this section, "authority" means a commercial district management authority.

(b) A county may establish an authority for any commercial district in the county.

(c) For each authority established, a county:

(1) shall specify the membership, organization, jurisdiction, and geographical limits of the authority;

(2) shall specify the purposes of the authority, including:

(i) promotion;

(ii) marketing; or

(iii) the provision of security, maintenance, or amenities in the district;

(3) may specify which provisions of the county charter or local law relating to personnel, procurement, or similar operational matters apply to the authority, except that minority business enterprise procurement and equal employment opportunity laws may not be waived;

(4) may approve the annual budget of the authority if the county governing body imposes an ad valorem tax to support the authority; and

(5) may provide any financing that it considers appropriate for the authority through fees that may be charged to, or taxes that may be imposed against, businesses subject to the authority's jurisdiction.

(d) An authority may not:

(1) exercise the power of eminent domain;

(2) purchase, sell, construct, or lease as a lessor office or retail space; or

(3) except as otherwise authorized by law, engage in competition with the private sector.

(e) Any fee or tax imposed under this section shall be used only for the purposes stated in this section and may not revert to the general fund of the county.

(f) A county may establish an authority in accordance with this section as a special taxing district.

§10–316.

Section 18–301 of this article applies to the use of federal or State financial assistance for commercial or industrial redevelopment projects.

§10–317.

(a) After reasonable notice and a public hearing, a county may enact local laws to protect and promote public safety, health, morals, comfort, and welfare, relating to:

(1) the location, construction, repair, and use of streets and highways;

(2) the disposal of wastes;

(3) the control of soil erosion and the preservation of the natural topography; or

(4) the erection, construction, repair, and use of buildings and other structures.

(b) A county may enact local laws to provide for appropriate administrative and judicial proceedings, remedies, and sanctions to administer and enforce local laws enacted under subsection (a) of this section.

§10–318.

A county may:

(1) regulate the construction and maintenance of fences;

(2) provide for a procedure to enforce the rights of parties with reference to a fence; and

(3) provide for a lien for repairs to a fence made by an owner who is not in default.

§10–319.

(a) A county may provide for:

(1) building, maintaining, and repairing any street, road, lane, alley, footway, bridge, culvert, highway, or public place that is condemned, ceded, opened, widened, extended, or straightened as public property; and

(2) the assessment of the costs of any work done in accordance with item (1) of this subsection on the assessable basis of the county.

(b) A county may provide:

(1) that the owner or possessor of any lot shall grade, regrade, pave, repave, or repair the footways in front of the lot; and

(2) for the enforcement of item (1) of this subsection by fine or penalty.

(c) A county may regulate the opening of street surfaces.

§10–320.

(a) A county may provide for the draining of swamps and lowlands.

(b) (1) At the request of the board of managers of a drainage association, the county legislative body shall appoint a board of viewers to determine if the original determination as to which lands have benefited from the drainage improvement project has changed.

(2) The board of viewers shall have the same qualifications, rights, powers, privileges, and duties as the original board of viewers.

(3) The board of viewers shall report its findings to the county legislative body.

(4) The report shall be considered in the same manner as the original report, including the same right to a public hearing and the right to judicial review.

(5) Any revision in the original determination as to which lands benefit from the improvements shall become the basis for all future assessments for paying for the improvements, including related expenses such as damages and the maintenance of the improvements.

§10–321.

A county may enact local laws that provide for:

(1) the creation of a storm drainage district;

(2) the imposition of taxes in the storm drainage district;

(3) the financing, construction, and maintenance of storm drainage projects; and

(4) the regulation of storm drainage facilities.

§10–322.

A county has the same powers enumerated in Title 12, Subtitle 7 of this article.

§10–323.

(a) A county may enact local laws providing for the development and administration of a recreational program including:

(1) the construction, equipment, and use of parks, community centers, and recreational buildings and facilities;

(2) the acquisition of sites for parks, community centers, and recreational buildings and facilities;

(3) financial support for artistic, musical, and cultural public and private nonprofit organizations and activities; and

(4) the furnishing of recreational and other municipal services in connection with parks, community centers, and recreational buildings and facilities.

(b) A county may exercise the authority granted under Title 1, Subtitle 6 of this article.

§10–324.

(a) (1) A county may enact local laws relating to zoning and planning to protect and promote public safety, health, morals, and welfare, including:

(i) except as provided in § 10–305 of this subtitle, providing for the right to seek review in the circuit court of any matter arising under any local planning or zoning law; and

(ii) establishing a program for the transfer of development rights.

(2) A county may provide that a violation of a zoning law or regulation enacted under this section is a civil zoning violation, enforceable as provided under Title 11, Subtitle 2 of the Land Use Article.

(3) Any decision of the circuit court under paragraph (1)(i) of this subsection may be appealed to the Court of Special Appeals.

(b) (1) It is the policy of the State that the orderly development and use of land and structures requires comprehensive regulation through implementation of planning and zoning controls.

(2) It is the policy of the State that planning and zoning controls shall be implemented by local government.

(3) To achieve the public purposes of this regulatory scheme, the General Assembly recognizes that local government action will displace or limit economic competition by owners and users of property.

(4) It is the policy of the State that competition and enterprise shall be so displaced or limited for the attainment of the purposes of the State policy for implementing planning and zoning controls as provided by public local law and public general law.

(c) Subsection (b) of this section does not:

(1) grant to the county powers in any substantive area not otherwise granted to the county by other public general law or public local law;

(2) restrict the county from exercising any power granted to the county by other public general law, public local law, or otherwise;

(3) authorize the county or its officers to engage in any activity that is beyond their power under other public general law, public local law, or otherwise; or

(4) preempt or supersede the regulatory authority of any unit of State government under any public general law.

§10–325.

(a) (1) A county may enact laws for historic and landmark zoning and preservation:

(i) generally;

(ii) in accordance with Title 8 of the Land Use Article; or

(iii) to be administered generally by a Historic District Commission.

(2) A law enacted under paragraph (1) of this subsection may provide for appeals or judicial review.

(b) The authority conferred under this section is in addition to any charter provision or local law that provides for planning and zoning.

§10–326.

A county may enact local laws that require a developer of land for residential use to comply with pertinent underground electric and telephone residential service regulations adopted by the Public Service Commission, including those pertaining to deposits.

§10–327.

A county may establish a county board of health to act instead of the county legislative body as the county board of health under Title 3, Subtitle 2 of the Health – General Article.

§10–328.

(a) A county may provide for the prevention, abatement, and removal of nuisances.

(b) A county may provide for the prevention of contagious diseases in the county.

(c) A county may regulate any place where offensive trades are conducted or that may involve or give rise to unsanitary conditions or conditions detrimental to health.

(d) This title does not affect:

(1) any power or duty of the Secretary of Health and Mental Hygiene or the Secretary of the Environment; or

(2) any public general law relating to health.

§10–329.

A county may regulate the conditions under which dogs and livestock may be at large or pass over public ways.

§10–330.

A county may enact local fish and game laws.

§11–101.

In this title, "public local law" has the meaning stated in Article XI–F, § 1 of the Maryland Constitution.

§11–102.

This title applies only to code counties.

§11–103.

It is the intent of the General Assembly that the authority exercised under Article XI–F, § 8, of the Maryland Constitution, to limit the rate of property tax that a code county may impose or regulate the maximum amount of indebtedness that a code county may incur, be exercised only when there is the possibility that the code county is imposing an excessive rate of property taxation or is incurring indebtedness in an excessive amount.

§11–201.

(a) Unless a law, a resolution, or an ordinance classifies a violation as a criminal offense, the county commissioners may provide, by law, that a violation of an ordinance, a resolution, or a public local law is a civil infraction.

(b) A civil infraction is a civil offense.

§11–202.

(a) Any official authorized by the county commissioners to serve a citation may serve a citation on a person who the official believes is committing a civil infraction.

(b) The issuing authority shall retain a copy of the citation.

(c) The citation shall contain:

(1) a certification by the official who issued the citation attesting to the truth of the matter set forth in the citation;

(2) the name and address of the defendant;

(3) the nature of the civil infraction;

(4) the location and time that the civil infraction occurred;

(5) the amount of the fine assessed;

(6) the manner, location, and time in which the fine may be paid to the county; and

(7) notice of the defendant's right to elect to stand trial.

§11–203.

A county may impose:

(1) for the first commission of a civil infraction, a fine not exceeding $500; and

(2) for a second or subsequent commission, a fine not exceeding $1,000 for each commission.

§11–204.

A defendant who receives a citation under this subtitle may:

(1) pay the fine to the county within 20 days after the day on which the citation is received; or

(2) elect to stand trial for the civil infraction as provided in § 11–205 of this subtitle.

§11–205.

(a) (1) To elect to stand trial for a civil infraction, the defendant shall provide notice of intention to stand trial to the county at least 5 days before the payment date specified in the citation.

(2) After receiving the notice of intention to stand trial, the county shall forward a copy of the citation to the District Court having venue.

(3) After receiving the citation, the District Court shall:

(i) schedule the case for trial; and

(ii) notify the defendant of the trial date.

(b) (1) The county shall send a formal notice of the civil infraction to the defendant's last known address if a defendant:

(i) does not file a notice of intention to stand trial for the civil infraction within the time required under subsection (a) of this section; and

(ii) does not pay the fine for the civil infraction by the payment date specified in the citation.

(2) If the citation has not been satisfied within 15 days after the date of the notice, the county shall assess an additional fine not exceeding twice the original fine.

(3) If the citation has not been satisfied within 35 days after the date of the notice, the county may request adjudication of the case in the District Court.

(4) After receiving a request from the county, the District Court shall promptly:

(i) schedule the case for trial; and

(ii) summon the defendant to appear.

(5) A defendant's failure to respond to a summons issued under paragraph (4) of this subsection is contempt of court.

§11–206.

(a) (1) Subject to subsections (b) and (c) of this section, the State's Attorney for a county shall prosecute a civil infraction in the same manner as a prosecution of a violation of the criminal laws of the State.

(2) The State's Attorney may enter a nolle prosequi or place the case on the stet docket in the same manner as provided by law for a violation of the criminal laws of the State.

(b) (1) Subject to the approval of the county commissioners, the State's Attorney may designate in writing the county attorney or an assistant county attorney to prosecute civil infractions.

(2) The county attorney or assistant county attorney designated under this subsection may exercise the powers of the State's Attorney in connection with a civil infraction.

(c) The State's Attorney for Allegany County is not required to be present at a trial for a violation of a civil infraction under §§ 13–503 through 13–506 of this article

if the official who issued the citation for the civil infraction is present at the trial on behalf of the county.

§11–207.

(a) In a civil infraction proceeding:

(1) the court shall confirm that the defendant has received a copy of and understands the charges;

(2) the defendant may enter a plea of guilty or not guilty;

(3) the court shall apply the evidentiary standards provided by law for the trial of a criminal case;

(4) the defendant may:

(i) cross–examine witnesses;

(ii) produce evidence or witnesses on the defendant's behalf;

(iii) testify; and

(iv) be represented by counsel of the defendant's own choice and at the defendant's expense; and

(5) the burden of proof is the same as required by law in the trial of a criminal case.

(b) The court may:

(1) enter a verdict of guilty or not guilty; or

(2) before entering a verdict, place the defendant on probation in the same manner as allowed in the trial of a criminal case.

§11–208.

(a) A defendant who is found to have committed a civil infraction shall pay:

(1) the fine imposed under § 11–203 of this subtitle; and

(2) court costs of $5.

(b) A defendant is not liable for payment of costs imposed under § 7–409 of the Courts Article.

§11–209.

(a) If a defendant is found guilty of a civil infraction and a fine is imposed, the court may direct that the payment of the fine be suspended or deferred under conditions that the court sets.

(b) A court may treat a defendant's willful failure to pay a fine imposed under this subtitle as a criminal contempt of court.

(c) The District Court shall remit to the county any fine, penalty, or forfeiture the court collects.

§11–210.

(a) A defendant who is found guilty of a civil infraction may file a motion for a new trial or a motion for a revision of judgment as provided by law for a criminal case.

(b) (1) A motion filed under this section shall be filed in the same manner as a motion filed in a criminal case.

(2) In ruling on a motion filed under this section, the court has the same authority that the court has in a criminal case.

§11–211.

Adjudication of a civil infraction is not a criminal conviction for any purpose.

§11–301.

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

(b) "Curfew hours" means the hours between midnight and 5:00 a.m.

(c) "Establishment" means a privately owned place of business operated for profit to which the public is invited.

(d) "Guardian" means a person who is appointed by a court as a guardian.

(e) (1) "Public place" means a place to which the general public has access for a lawful purpose.

(2) "Public place" includes:

(i) a public street, a sidewalk, an alley, a highway, and a right–of–way of a public street or highway; and

(ii) the common areas of a transport facility, a school, a hospital, an apartment building, an office building, a shopping center, a park, a playground, a parking lot, a theater, a restaurant, a bowling alley, a tavern, a cafe, an arcade, and

a shop.

(f) "Remain" means to:

(1) linger unnecessarily in a public place; or

(2) fail to leave the premises of an establishment or a public place when asked by a law enforcement officer or an employee of the establishment or public place.

§11–302.

This subtitle applies in code counties in the Eastern Shore class as established under § 9–302 of this article.

§11–303.

After making independent factual findings demonstrating a local need for a curfew, the county commissioners may adopt a juvenile curfew ordinance.

§11–304.

Subject to § 11–305 of this subtitle, a juvenile curfew ordinance shall state that:

(1) a minor may not remain in a public place or on the premises of an establishment during curfew hours;

(2) a parent or guardian of a minor may not knowingly allow the minor to remain in a public place or on the premises of an establishment during curfew hours; and

(3) the owner, operator, or employee of an establishment may not knowingly allow a minor to remain on the premises of the establishment during curfew hours.

§11–305.

A juvenile curfew ordinance adopted under this subtitle does not apply to a minor who is:

(1) accompanied by the minor's parent or guardian;

(2) performing an errand at the direction of the minor's parent or guardian, without a detour or stop, until 12:30 a.m.;

(3) accompanied by an adult authorized by the minor's parent or guardian to have temporary care or custody of the minor for a designated period of time within a specified area;

(4) with consent of the minor's parent or guardian, involved in interstate travel;

(5) engaged in legal employment activity or is going to or returning home from a legal employment activity;

(6) involved in a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect health, safety, welfare, or property from actual or threatened harm or an unlawful act;

(7) on the property where the minor resides or on the sidewalk abutting the minor's residence or abutting the residence of a next–door neighbor if an adult resident of that property has given permission for the minor's presence;

(8) attending or returning directly home from:

(i) a school, religious, or recreational activity supervised by adults and sponsored by the local jurisdiction, a civic organization, or a volunteer association that takes responsibility for the minor; or

(ii) a place of public entertainment, including a movie, play, or sporting event;

(9) exercising First Amendment rights under the United States Constitution if the minor has first submitted to the chief of the local law enforcement agency a written communication that:

(i) is signed by the minor and countersigned, if practicable, by the parent or guardian of the minor;

(ii) includes the parent's or guardian's home address and telephone number; and

(iii) specifies when, where, and in what manner the minor will be in a public place during curfew hours; or

(10) remaining in a public place in a case of reasonable necessity if the minor's parent or guardian has communicated to the chief of the local law enforcement agency facts:

(i) establishing the reasonable necessity; and

(ii) designating:

1. the specific public place and the points of origin and destination for the minor's travel; and

2. the times the minor will be in the public place or traveling

to or from the public place.

§11–306.

(a) (1) If a law enforcement officer reasonably believes that a minor is in a public place or on the premises of an establishment in violation of a juvenile curfew ordinance, the officer shall:

(i) notify the minor that the minor is in violation of the juvenile curfew ordinance;

(ii) require the minor to tell the officer the minor's name, address, telephone number, and where to contact the minor's parent or guardian;

(iii) issue the minor a written warning that the minor is in violation of the juvenile curfew ordinance; and

(iv) order the minor to promptly go home.

(2) The law enforcement officer may take the minor:

(i) to the minor's home, if appropriate; or

(ii) into custody and transport the minor to a local law enforcement station or designated curfew center when:

1. the minor has received one previous written warning for a violation of a juvenile curfew ordinance;

2. the law enforcement officer has reasonable grounds to believe that the minor has committed a delinquent act, as defined in § 3–8A–01 of the Courts Article; or

3. taking the minor into custody is authorized under § 3–8A–14 of the Courts Article.

(3) A law enforcement officer may issue a civil citation for a violation of a juvenile curfew ordinance to:

(i) a minor;

(ii) a parent or guardian of a minor; or

(iii) an owner, operator, or employee of an establishment.

(b) The law enforcement agency shall send written notice of the violation of the juvenile curfew ordinance to the minor's parent or guardian.

§11–307.

A civil citation for a violation of a juvenile curfew ordinance shall include a fine:

(1) for a first offense, not exceeding $500; or

(2) for a second or subsequent offense, not exceeding $1,000.

§11–308.

(a) When a minor is taken into custody for a violation of a juvenile curfew ordinance, the law enforcement officer shall:

(1) immediately notify the parent or guardian of the minor to come take custody of the minor; and

(2) determine whether, consistent with constitutional safeguards, the minor or the parent or guardian, or both, are in violation of the juvenile curfew ordinance.

(b) (1) If the parent or guardian arrives to take custody of the minor and the appropriate information is recorded, the minor shall be released to the custody of the parent or guardian.

(2) If the parent or guardian cannot be located or fails to take custody of the minor, the minor shall be released to:

(i) the local department of social services;

(ii) the Department of Juvenile Services; or

(iii) another adult who will, on behalf of the parent or guardian, assume the responsibility of caring for the minor pending the availability or arrival of the parent or guardian.

§11–401.

(a) In this section, "department" means a department of public facilities and services.

(b) The powers granted under this section may be exercised notwithstanding any other law in effect when the county commissioners exercise a power granted under this section.

(c) The county commissioners, by public local law, may:

(1) establish a department of public facilities and services; and

(2) provide for the organization and functions of the department.

(d) The county commissioners may assign to a department:

(1) responsibility for construction, maintenance, repair, service, and management of:

(i) public works, public buildings, publicly owned water and sewerage facilities and projects, and capital projects;

(ii) water supply facilities and projects;

(iii) wastewater collection, treatment, and disposal facilities and projects;

(iv) solid waste collection, recycling, and disposal facilities and projects;

(v) storm drainage, erosion, and sediment control facilities and projects;

(vi) lighting for roads, highways, alleys, and other public places; or

(vii) mosquito control facilities and programs; and

(2) any other function or duty that is not inconsistent with this section.

(e) (1) Subject to paragraphs (3) and (4) of this subsection, if the county commissioners assign to a department the responsibility for water and sewerage functions, the county commissioners shall abolish by public local law:

(i) any water or sewer authority established for the county under Title 9, Subtitle 9 of the Environment Article; and

(ii) any sanitary district or commission established for the county under Title 9, Subtitle 6 of the Environment Article.

(2) Before abolishing a water or sewer authority or sanitary district or commission, the county commissioners may request that the entity provide to the county appropriate information to assist the county commissioners in complying with paragraph (3) of this subsection.

(3) The public local law shall provide:

(i) for the retiring, refunding, refinancing, transfer, or assumption of any applicable outstanding bonds of the abolished entity;

(ii) for the assumption of all existing assets and liabilities of the abolished entity by the county, subject to an audit of the assets and liabilities by a

certified public accountant;

(iii) for the transfer of all real and personal property of the abolished entity to the county;

(iv) for the transfer of responsibility and administration of any legally enforceable agreement between the abolished entity and another party to the county;

(v) for the continued effect of orders, rules, and regulations of the abolished entity, until revoked or modified by the county commissioners;

(vi) that any revenues of an abolished entity remain dedicated for the purpose collected and are not transferred into the county's general fund; and

(vii) that all matters pending before the abolished entity may continue and shall be completed by the department.

(4) Any employee of a water or sewer authority or of a sanitary district or commission employed on the date that the authority, district, or commission is abolished who transfers to the department or to a municipality or local community under § 11–402 of this subtitle shall transfer without any loss of salary, retirement benefits, insurance benefits, leave time, seniority level, or other employee benefits.

(f) (1) If the county commissioners abolish a water or sewer authority or sanitary district or commission, the county commissioners shall exercise the powers of a water or sewer authority or sanitary district or commission.

(2) The county commissioners may:

(i) adopt regulations for water and sewerage management;

(ii) acquire, construct, operate, or maintain water and sewerage systems as the county commissioners consider to be in the public interest and necessary to protect the general health and welfare; and

(iii) set rates, fees, and assessments for water and sewerage services and benefits.

§11–402.

(a) (1) In this section, "local community" means an incorporated or unincorporated community, other than a municipality, with a governing board that is elected by the property owners or residents of the community.

(2) "Local community" includes a community association or similar association or a special taxing district if the association or district has a governing board elected by the property owners or residents of the community.

(b) This section applies only if a county establishes a department of public facilities and services and assumes the responsibilities of a sanitary district or commission or a water or sewer authority under § 11–401 of this subtitle.

(c) Subject to subsections (d) and (e) of this section, the county commissioners may enter into an agreement with the governing body of a municipality or a governing board of a local community that transfers responsibility for water or sewerage services to the municipality or local community.

(d) An agreement made under this section shall be in writing and shall require that:

(1) the municipality or local community continues to serve any area, within or outside its boundaries, that is served by the facilities transferred when the transfer occurs;

(2) any increase in fees or taxes for water or sewerage services following the transfer be applied uniformly within and outside the boundaries of the municipality or local community;

(3) the municipality or local community, in accordance with the agreement, assumes legal responsibility for the payment of principal of and interest on any applicable outstanding bonds issued by the county or by a water or sewer authority or a sanitary district or commission with respect to facilities being transferred to the municipality or local community;

(4) the disposal of sewage sludge by the municipality or local community be conducted in accordance with county regulations;

(5) the municipality or local community honors, in accordance with the agreement, any obligation that exists when the transfer occurs, for the treatment at a treatment facility of leachate generated at a landfill in the county;

(6) the municipality or local community complies with the terms of any grant or requirement involving a federal or State agency concerning facilities or operations transferred to the municipality under the agreement; and

(7) any revenues from an entity abolished under § 11–401 of this subtitle and transferred under the agreement remain dedicated for the purpose collected and are not transferred into the municipality's or local community's general fund.

(e) An agreement made under this section shall specify:

(1) the obligation of the parties to cooperate in the operation of any laboratory, the sharing of equipment, and other related matters in which the county and municipality or local community might mutually benefit;

(2) the obligation of the parties to satisfy any vested retirement rights of

employees who transfer from the county to the municipality or local community under the agreement;

(3) the obligation of the parties to assure the maintenance of salary levels, retirement benefits, insurance benefits, vacation benefits, leave time, seniority levels, and other employee benefits, which are in effect for county employees who transfer to the municipality or local community under the agreement; and

(4) any other matter relating to water or sewerage services on which the county and municipality or local community agree that are consistent with this section.

§12–101.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) The governing body of a county may provide for the appointment and removal of any county officer or employee whose appointment or election is not provided for by the Maryland Constitution or public general law or public local law.

§12–102.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) Subject to any restriction imposed by a public general law or public local law, the governing body of a county may determine the compensation of appointed officers and employees of the county.

§12–103.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County; and

(7) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may establish a merit system in connection with the appointment of county officials and employees not elected or appointed under the Maryland Constitution or public general law of the State.

§12–104.

In Dorchester County, the governing body may include in the merit system of the county the employees of the Dorchester County Sanitary District.

§12–105.

(a) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted under this section.

(b) The County Commissioners of Garrett County shall have a merit system for all county employees in accordance with the recommendations of the Merit System Commission and Governmental Study Commission of Garrett County.

§12–106.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) (1) Except as provided in paragraph (2) of this subsection, the governing body of a county may:

(i) create, change, or abolish an office or a department; and

(ii) assign additional functions to an office or a department.

(2) The governing body of a county may not create, change, or abolish an office or a department or transfer a function of an office or department established by the Maryland Constitution, public general law, or public local law.

§12–107.

(a) This section applies to all counties except Baltimore City.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may enact a law or regulation:

(1) designed to prevent conflicts between the private interests and public duties of county officers or employees, including the governing body; and

(2) to govern the conduct and actions of county officers and employees, including the governing body, in performing their public duties.

(d) The governing body of a county may enact a law or regulation to provide for a penalty, including a fine, a forfeiture, an imprisonment, or a removal from office for violation of any law or regulation enacted under subsection (c) of this section.

§12–108.

(a) Except as provided in subsection (b) of this section and notwithstanding any other provision of law, an individual appointed to a board or commission by the County Commissioners of Charles County may not serve more than two consecutive full terms.

(b) Subsection (a) of this section does not apply if the County Commissioners of Charles County determine that there is not a qualified individual to replace an incumbent who has served two consecutive full terms.

§12–109.

(a) Frederick County may:

(1) pay the wages of a county employee by debit card; and

(2) require a county employee, as a condition of employment, to elect to receive the payment of wages by debit card or, subject to § 1–205(b) and (c) of this article, by direct deposit.

(b) If a county employee elects to receive the payment of wages by debit card, the county shall provide to the employee a statement that includes:

(1) the total amount of the employee's wages;

(2) any amount deducted from the wages; and

(3) the amount of the wages credited to the debit card.

§12–201.

(a) This subtitle applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Howard County;

(5) Prince George's County;

(6) Queen Anne's County; and

(7) Worchester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may:

(1) establish a pension plan or group insurance program for the benefit of its officers and employees; and

(2) establish classifications and eligibility criteria for each pension plan or group insurance program.

§12–202.

(a) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted under this section.

(b) The County Commissioners of Calvert County may establish a separate fully funded pension plan for the Calvert County Sheriff's department.

(c) (1) A pension plan established under subsection (b) of this section may provide for participation by:

(i) Calvert County deputy sheriffs who are actively engaged in law enforcement;

(ii) Calvert County correctional officers assigned to the county detention center; and

(iii) the Calvert County detention center administrator.

(2) A pension plan established under subsection (b) of this section may not be applied to an individual whose term of office ended before January 1, 1971, if that individual is eligible to receive pension benefits under § 2–309(f)(4) of the Courts Article.

(d) A pension plan established under subsection (b) of this section shall include provisions for:

(1) retirement age eligibility;

(2) retirement based on years of active service, regardless of age;

(3) early retirement eligibility;

(4) disability retirement;

(5) death benefits for a spouse or children;

(6) cost–of–living adjustments; and

(7) cash refund of contributions for participants terminating employment.

(e) An individual who participates in a pension plan established under subsection (b) of this section is not eligible to receive pension benefits under § 2–309(f)(4) of the Courts Article.

(f) (1) Subject to paragraph (2) of this subsection, the County Commissioners of Calvert County shall determine the effective date for any pension plan established under subsection (b) of this section.

(2) The effective date shall conform to the provisions of Title 31, Subtitle 3 of the State Personnel and Pensions Article.

§12–203.

(a) The County Commissioners of Charles County may provide retirement funds for employees who reach retirement age before the establishment of a pension plan under § 12–201 of this subtitle.

(b) (1) The County Commissioners of Charles County shall establish a separate pension plan for sworn employees of the Charles County Sheriff's department who:

(i) are actively engaged in law enforcement; and

(ii) were working in law enforcement within the department on or before June 30, 1986.

(2) (i) A member may retire if the member has at least 30 years of active service regardless of age.

(ii) On retirement under this paragraph, a member is entitled to receive a retirement allowance equal to 80% of the member's average base salary for the 3 highest years preceding retirement.

(3) (i) A member may retire with an early retirement allowance if the member has at least 20 years but less than 30 years of active service.

(ii) On retirement under this paragraph, a member is entitled to receive a retirement allowance under paragraph (2)(ii) of this subsection, reduced by 2% for each year that the member's early retirement date precedes the date the member would have had 30 years of active service.

(4) The contribution rate of a member may not exceed 8% of the member's base salary.

(5) The pension plan shall include disability provisions and death benefits for the spouse of a member, minor children of a member, or both.

(6) The pension plan shall provide for cost–of–living adjustments and a cash refund of member contributions, plus interest, for a member who terminates employment with the Charles County Sheriff's department before retirement.

(7) The pension plan shall provide for a credit of 2% for each year of active duty in the armed forces of the United States, for up to 3 years, to be added to the member's retirement after reaching minimum retirement.

(8) For each member, the provisions of the pension plan shall apply retroactively to the member's original date of employment.

(9) The pension plan is effective on or after July 1, 1995.

(c) (1) The County Commissioners of Charles County shall establish a separate pension plan for sworn employees of the Charles County Sheriff's department who:

(i) are actively engaged in law enforcement; and

(ii) were hired by the Sheriff's department on or after July 1, 1986.

(2) (i) A member may retire if the member has at least 30 years of active service regardless of age.

(ii) On retirement under this paragraph, a member is entitled to receive a retirement allowance equal to 80% of the member's average base salary for the 3 highest years preceding retirement.

(3) (i) A member may retire with an early retirement allowance if the member has at least 25 years but less than 30 years of active service.

(ii) On retirement under this paragraph, a member is entitled to receive a retirement allowance under paragraph (2)(ii) of this subsection, reduced by 2% for each year that the member's early retirement date precedes the date the member would have had 30 years of active service.

(4) The pension plan shall include provisions for early retirement after 20 years of service that:

(i) actuarially reduce the retirement allowance depending on the member's age at the time of retirement and for each year less than 25 years of service; and

(ii) are approved by the county commissioners.

(5) The contribution rate of a member may not exceed 8% of the member's base salary.

(6) The pension plan shall include disability provisions and death benefits for the spouse of a member, minor children of a member, or both.

(7) The pension plan shall provide for cost–of–living adjustments and a cash refund of member contributions, plus interest, for a member who terminates employment with the Charles County Sheriff's department before retirement.

(8) The pension plan shall provide for a credit of 2% for each year of active duty in the armed forces of the United States, for up to 3 years, to be added to the member's retirement after reaching minimum retirement.

(9) The provisions of the pension plan may include any member who was working in law enforcement on July 1, 1986, and shall apply retroactively to the date of that employment.

(10) The pension plan is effective on or after July 1, 1995.

(d) The pension plan established under subsection (b) or (c) of this section may include the Charles County Sheriff.

(e) (1) The County Commissioners of Charles County shall establish a separate pension plan for employees of the Charles County Sheriff's department who are classified as correctional officers.

(2) (i) A member may retire if the member has at least 25 years of active service regardless of age.

(ii) On retirement under this paragraph, a member is entitled to receive a retirement allowance equal to 2.25% of the member's average base salary for the 3 highest years preceding retirement multiplied by each year of the member's years of credited service.

(iii) A member's retirement allowance provided under this paragraph may not exceed 75% of the member's average base salary for the 3 highest years preceding retirement.

(3) (i) A member may retire with an early retirement allowance if the member has at least 20 years but less than 25 years of active service.

(ii) The pension plan shall include provisions for early retirement after 20 years of active service that:

1. actuarially reduce the retirement allowance depending on the member's age at the time of retirement and for each year less than 25 years of service; and

2. are approved by the county commissioners.

(4) The contribution rate of a member may not exceed 7% of the member's base salary.

(5) The pension plan shall include disability provisions and death benefits for the spouse of a member, minor children of a member, or both.

(6) The pension plan shall provide for cost–of–living adjustments and a cash refund of member contributions for a member who terminates employment with the Charles County Sheriff's department before retirement.

(7) The pension plan shall provide for a credit for each year of active duty in the armed forces of the United States, for up to 3 years, to be added to the member's retirement after reaching minimum retirement.

(8) The provisions of the pension plan may include any member who was working as a Charles County correctional officer on July 1, 1995, and shall apply retroactively to the date of that employment.

(9) The pension plan is effective on or after July 1, 1995.

(f) (1) The County Commissioners of Charles County shall establish a separate pension plan for employees of Charles County who are classified as communications employees.

(2) (i) A member may retire if the member has at least 25 years of active service regardless of age.

(ii) On retirement under this paragraph, a member is entitled to receive a retirement allowance equal to 2% of the member's average base salary for the 3 highest years preceding retirement multiplied by each year of the member's years of credited service.

(iii) A member's retirement allowance provided under this paragraph may not exceed 75% of the member's average base salary for the 3 highest years preceding retirement.

(3) (i) A member may retire with an early retirement allowance if the member has at least 20 years but less than 25 years of active service.

(ii) The pension plan shall include provisions for early retirement after 20 years of active service that:

1. actuarially reduce the retirement allowance depending on the member's age at the time of retirement and for each year less than 25 years of service; and

2. are approved by the county commissioners.

(4) The contribution rate of a member may not exceed 7% of the member's base salary.

(5) The pension plan shall include disability provisions and death benefits for the spouse of a member, minor children of a member, or both.

(6) The pension plan shall provide for cost–of–living adjustments and a cash refund of member contributions for a member who terminates employment as a communications employee for Charles County before retirement.

(7) The pension plan shall provide for a credit for each year of active duty in the armed forces of the United States, for up to 3 years, to be added to the member's retirement after reaching minimum retirement.

(8) The provisions of the pension plan may include any member who was working as a communications employee for Charles County on July 1, 1995, and shall apply retroactively to the date of that employment.

(9) The pension plan is effective on or after July 1, 1995.

§12–204.

The governing body of Dorchester County may include the employees of the Dorchester County liquor control board and the Dorchester County Sheriff's department in any pension plan or group insurance program established by the governing body.

§12–205.

(a) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted under this section.

(b) The County Commissioners of Garrett County may provide a pension plan and group health and hospital insurance benefits for county officers and employees.

(c) The County Commissioners of Garrett County may provide group health and hospital insurance benefits for retired county officers and employees.

§12–206.

(a) The County Commissioners of Kent County may provide retirement funds for employees who reach retirement age before the establishment of a pension plan under § 12–201 of this subtitle.

(b) The County Commissioners of Kent County may include any official or employee of the Kent County Sheriff's department in a pension plan or group insurance

program established by the county commissioners.

§12–207.

(a) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted under this section.

(b) The County Commissioners of St. Mary's County may adopt a separate pension plan or may amend an existing pension plan for:

(1) the Sheriff;

(2) deputy sheriffs; or

(3) correctional officers.

(c) By resolution, the County Commissioners of St. Mary's County may:

(1) adopt the provisions of any pension plan established under subsection (b) of this section; or

(2) amend the provisions of any existing pension plan.

(d) The County Commissioners of St. Mary's County shall provide for the funding required to implement and support any action taken under this section.

§12–208.

(a) (1) (i) This subsection does not apply to Baltimore City.

(ii) This subsection applies to any school teacher who is:

1. a retiree of the Teachers' Retirement System or the Teachers' Pension System as provided for under Title 22 or Title 23 of the State Personnel and Pensions Article; and

2. receiving a retirement allowance less than $125 per month.

(2) The county commissioners or county council may pay a retiree described under paragraph (1)(ii) of this subsection who retired as an employee of the county public school system the lesser of:

(i) $50 per month; or

(ii) $125 per month less the retirement allowance the retiree is currently receiving.

(3) To receive an additional monthly allowance described under paragraph (2) of this subsection, the retiree shall submit an application to the county commissioner

or county council.

(4) Any county commissioners or county council that provides a monthly allowance under paragraph (2) of this subsection annually shall impose a tax in an amount sufficient to pay for the additional benefit.

(b) (1) This subsection applies to any Baltimore County school teacher who is:

(i) a retiree of the Teachers' Retirement System or the Teachers' Pension System as provided for under Title 22 or Title 23 of the State Personnel and Pensions Article; and

(ii) receiving a retirement allowance less than $125 per month.

(2) (i) The County Council of Baltimore County may pay additional benefits to an individual described under paragraph (1) of this subsection.

(ii) The amount of the additional benefit shall be as provided in subsection (a)(2) of this section.

(3) To receive an additional monthly allowance described under paragraph (2) of this subsection, the retiree shall submit an application to the county council.

(c) (1) In addition to any benefit paid in accordance with subsection (a) of this section, the 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 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.

(a) This section applies only to commission counties.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted under this section.

(c) The county commissioners shall:

(1) establish a competitive bidding process for awarding contracts for services or the purchase of supplies if the contract exceeds $15,000;

(2) require a bond in connection with a contract, regardless of the amount; and

(3) if no bids are submitted in response to a request for bids, obtain the services or supplies in a manner that the county commissioners consider appropriate.

(d) In Somerset County, subsection (c) of this section does not apply to a contract

solely for design or consultation services.

§12–302.

(a) In this section, "government organization" includes:

(1) a county;

(2) a board of education;

(3) a municipality; or

(4) a government cooperative purchasing organization.

(b) The County Commissioners of Garrett County may purchase goods and services through a contract entered into by a vendor and a government organization that does not participate in a cooperative purchasing agreement in which Garrett County is a member.

§12–303.

(a) This section applies only to commission counties.

(b) When awarding a contract for services, the county commissioners of a county shall:

(1) enter into a written contract; and

(2) require the contractor to provide a performance bond for security in accordance with the terms and specifications of the contract.

§12–401.

(a) This section applies to all counties, except Baltimore City.

(b) Except as provided in §§ 12–404, 12–405, 12–406, 12–408, 12–409, 12–410, and 12–411 of this subtitle, the governing body of a county may:

(1) acquire, by lease, purchase, gift, devise, bequest, condemnation, or any other method, an interest in any property that is needed for a public purpose;

(2) construct buildings on the property for the benefit of the county;

(3) sell surplus property at public sale, after advertising the sale for at least 20 days; or

(4) (i) provide wholly or partly for the financing of housing or a housing project; and

(ii) place a deed of trust, mortgage, or other instrument on the financed property to ensure repayment of money used to purchase, construct, rehabilitate, or develop the housing or housing project.

§12–402.

(a) (1) The County Commissioners of Calvert County may acquire an option on real property that is needed for a public purpose.

(2) For at least 3 successive weeks immediately after acquiring an option to lease or purchase real property, the county commissioners shall publish notice of the option in at least one newspaper of general circulation in the county.

(3) The notice shall include:

(i) the name of the optionee;

(ii) the purpose for securing the option; and

(iii) the price and terms of the option.

(b) (1) The County Commissioners of Calvert County may:

(i) purchase or lease personal property under a multiyear contract that requires the county commissioners to make installment or rental payments during 2 or more fiscal years;

(ii) pay interest as part of any installment or rental payments in accordance with the terms of the contract; and

(iii) pledge and assign the personal property purchased or leased to secure the obligation.

(2) (i) The county commissioners may enter into a contract under paragraph (1) of this subsection only if:

1. the county commissioners have appropriated money sufficient to pay the amount due under the contract during the first fiscal year in which the contract is effective;

2. subject to subparagraph (ii) of this paragraph, the contract authorizes the county commissioners to terminate the contract if money sufficient to pay the amount due under the contract for any fiscal year is not appropriated;

3. the contract provides that, except if the county commissioners default in payment under the contract, an obligation for payment under the contract is limited to money appropriated for contract payment for that fiscal year; and

4. the contract provides that, if the county commissioners default in payment under the contract, the obligation for payment is limited to:

A. money appropriated for contract payments for that fiscal year;

B. any money realized from the personal property purchased or leased under the contract; and

C. any other money legally available for contract payment.

(ii) The contract may provide that a contract termination is ineffective if the county commissioners purchase or lease personal property similar or functionally related to the property purchased or leased under the contract within a specified period of time.

(c) (1) The County Commissioners of Calvert County may lease or sell surplus county real property.

(2) (i) If the county commissioners decide to sell real property where a facility for which the county commissioners appropriated at least $1,000 in any year is located, the county commissioners shall sell the property by sealed bids.

(ii) The county commissioners shall advertise an invitation for bids for at least 3 successive weeks in at least one newspaper of general circulation in the county.

(iii) The advertisement shall:

1. accurately describe the property;

2. state the time and place for the opening of the bids; and

3. state that the county commissioners reserve the right to reject a bid.

(iv) The county commissioners shall open all bids publicly at the time stated in the advertisement.

(v) The county commissioners shall sell the property to the highest bidder, unless the county commissioners determine that the county would be better served by selling the property to another bidder.

(vi) If the county commissioners reject all bids or if no bids are submitted, the county commissioners may dispose of the property in a manner that the county commissioners determine to be appropriate.

(d) (1) Except as provided in paragraph (2) of this subsection, the County

Commissioners of Calvert County may transfer, convey, or lease any interest in the real property known as the Solomons Elementary School property to the Calvert County Historical Society, Inc., for use as a public maritime museum without complying with the requirements of this section.

(2) A transfer of real property to the Calvert County Historical Society, Inc., under this subsection is subject to subsection (e)(2) and (3) of this section.

(3) If the Solomons Elementary School property ceases to be used as a museum open to the public, the property immediately shall revert to the county.

(e) (1) (i) By resolution, the County Commissioners of Calvert County may transfer an interest in real property to the federal government, the State, a political subdivision, or a public instrumentality without consideration if the property will be used for a public purpose.

(ii) A transfer instrument executed under this paragraph shall include a provision that the property shall revert to the county if the property ceases to be used for a public purpose, unless the county commissioners expressly waive receipt of the reversionary interest at the time the transferee ceases to use the property for a public purpose.

(2) By resolution, the county commissioners may donate an interest in surplus real property to a private, nonprofit corporation for educational, human services, housing, cultural, recreational, or community uses.

(3) Before transferring or donating property under this subsection, the county commissioners shall:

(i) hold a public hearing at least 10 days before taking action on the proposed resolution;

(ii) publish notice of the hearing and a synopsis of the proposed resolution once each week for 2 successive weeks before the hearing in at least one newspaper of general circulation in the county; and

(iii) have an appraisal made of the property for discussion at the hearing.

(f) (1) The County Commissioners of Calvert County may:

(i) provide wholly or partly for the financing of the purchase, construction, rehabilitation, or development of housing or a housing project; and

(ii) record a deed of trust, mortgage, or other instrument on the property where the housing or housing project is located to ensure repayment of money provided under this paragraph.

(2) The county commissioners shall:

(i) adopt a resolution each time money is provided under this subsection;

(ii) hold a public hearing at least 10 days before taking action on a proposed resolution; and

(iii) publish notice of the hearing and a synopsis of the proposed resolution once each week for 2 successive weeks before the hearing in at least one newspaper of general circulation in the county.

§12–403.

(a) The County Commissioners of Caroline County may:

(1) purchase or lease personal property under a multiyear contract that requires the county commissioners to make installment or rental payments during 2 or more fiscal years;

(2) pay interest as part of any installment or rental payments in accordance with the terms of the contract; and

(3) pledge and assign the personal property purchased or leased to secure the obligation.

(b) (1) The County Commissioners of Caroline County may enter into a contract under subsection (a) of this section only if:

(i) the county commissioners have appropriated money sufficient to pay the amount due under the contract during the first fiscal year in which the contract is effective;

(ii) subject to paragraph (2) of this subsection, the contract authorizes the county commissioners to terminate the contract if money sufficient to pay the amount due under the contract for any fiscal year is not appropriated;

(iii) the contract provides that, except if the county commissioners default in payment under the contract, an obligation for payment under the contract is limited to money appropriated for contract payment for that fiscal year; and

(iv) the contract provides that, if the county commissioners default in payment under the contract, the obligation for payment is limited to:

1. money appropriated for contract payments for that fiscal year;

2. any money realized from the personal property purchased

or leased under the contract; and

3. any other money legally available for contract payment.

(2) The contract may provide that a contract termination is ineffective if the county commissioners purchase or lease personal property similar or functionally related to the property purchased or leased under the contract within a specified period of time.

§12–404.

(a) Except for the procurement of an option to purchase real property, the County Commissioners of Carroll County or a public agency of the county may not take final action to purchase real property unless:

(1) the action is taken at a public meeting; and

(2) if the consideration for the property is $7,000 or more, the county commissioners or public agency have given public notice of the intent to purchase the real property at least 15 calendar days before the meeting.

(b) (1) The County Commissioners of Carroll County may:

(i) transfer without public sale an interest in surplus county real property to another government unit in the county under terms and conditions and for consideration, if any, as determined by the county commissioners; and

(ii) execute and acknowledge any instruments necessary to transfer the property.

(2) The county commissioners shall obtain three independent appraisals before selling surplus school board real property under this subsection.

(c) (1) If the County Commissioners of Carroll County determine at a public sale of surplus county property that the highest bid is not reasonable, the county commissioners may reject all bids on the property.

(2) If the county commissioners reject all bids under this subsection, the county commissioners:

(i) shall record the highest bid in the minutes; and

(ii) may privately negotiate and sell the surplus property for a higher price if:

1. the settlement of the property sale is within 1 year after the date of the initial public sale; and

2. the county commissioners announce the privately

negotiated agreement at the first meeting after reaching the agreement.

(3) The county commissioners shall adopt regulations to implement this subsection.

(d) The County Commissioners of Carroll County may dispose of surplus county personal property with a value of less than $250 by:

(1) public auction;

(2) public sale that is advertised by public notice in a media that is accessible to the general public;

(3) transfer to a unit of a county, a municipality, or the State;

(4) transfer to a private nonprofit corporation that is tax exempt under § 501(c)(3) of the Internal Revenue Code and authorized to receive appropriations from the county;

(5) deposit at the swap shop at the Northern Landfill; or

(6) disposal in a solid waste disposal facility.

§12–405.

(a) (1) Notwithstanding any other provision of State law, when negotiating to purchase real property, the governing body of Cecil County, a unit of the county, or the Cecil County Board of Education first shall acquire an option on the property.

(2) An option acquired under this subsection shall be:

(i) acquired for consideration not exceeding $100; and

(ii) for the purchase of property at a fixed price within an agreed period of time not exceeding 6 months.

(3) An option may not be disclosed to the public until the option is signed by both parties.

(4) After an option has been signed by both parties, the governing body, unit of the county, or county board of education shall publish notice of the option once each week for 2 successive weeks in a newspaper of general circulation in the county.

(5) (i) A notice published under this subsection shall specify:

1. the name of the optioner and optionee;

2. the length of the option;

3. the proposed purchase price for the property; and

4. the date, time, and place for the public hearing on the option.

(ii) The governing body, unit of the county, or county board of education shall set a date for the hearing that is between 7 and 30 days, inclusive, after the date on which the final notice is published.

(6) The governing body, unit of the county, or county board of education shall allow any person to testify at a public hearing on an option.

(7) After the public hearing, the governing body, unit of the county, or county board of education:

(i) shall exercise the option as soon as legally allowed, if the governing body, unit of the county, or county board of education determines that the option is necessary or desirable; or

(ii) may not exercise the option, if the governing body, unit of the county, or county board of education determines that the option is not necessary or desirable.

(b) (1) The governing body of Cecil County may:

(i) sell by public or private sale or lease surplus county real property; and

(ii) execute and acknowledge any instrument necessary to transfer the property.

(2) Before the governing body may contract to transfer an interest in county real property, the governing body shall:

(i) hold a public hearing between the hours of 6 p.m. and 10 p.m.; and

(ii) advertise the public hearing at least 2 weeks before the day of the hearing in a newspaper of general circulation in the county.

§12–406.

(a) (1) The County Commissioners of Charles County may:

(i) purchase or lease personal property under a multiyear contract that requires the county commissioners to make installment or rental payments during 2 or more fiscal years;

(ii) pay interest as part of any installment or rental payments in

accordance with the terms of the contract; and

(iii) pledge and assign the personal property purchased or leased to secure the obligation.

(2) (i) The county commissioners may enter into a contract described under paragraph (1) of this subsection only if:

1. the county commissioners have appropriated money sufficient to pay the amount due under the contract during the first fiscal year in which the contract is effective;

2. subject to subparagraph (ii) of this paragraph, the contract authorizes the county commissioners to terminate the contract if money sufficient to pay the amount due under the contract for any fiscal year is not appropriated;

3. the contract provides that, except if the county commissioners default in payment under the contract, an obligation for payment under the contract is limited to money appropriated for contract payment for that fiscal year; and

4. the contract provides that, if the county commissioners default in payment under the contract, the obligation for payment is limited to:

A. money appropriated for contract payments for that fiscal year;

B. any money realized from the personal property purchased or leased under the contract; and

C. any other money legally available for contract payment.

(ii) The contract may provide that a contract termination is ineffective if the county commissioners purchase or lease personal property similar or functionally related to the property purchased or leased under the contract within a specified period of time.

(b) (1) (i) The County Commissioners of Charles County may:

1. transfer without public sale an interest in surplus county property to another government unit in the county under terms and conditions and for consideration, if any, as determined by the county commissioners; and

2. execute and acknowledge any instruments necessary to transfer the property.

(ii) The county commissioners shall obtain three independent appraisals before selling surplus school board real property under this paragraph.

(2) Notwithstanding any other provision in this section, the county commissioners may transfer by public or private sale, any interest in surplus real property under terms determined by the county commissioners if the transfer of the property would contribute to economic development in the county.

(c) (1) To establish affordable housing for families of limited income as defined in § 4–901 of the Housing and Community Development Article or to address education, human services, housing, cultural, recreational, or community needs, the County Commissioners of Charles County may:

(i) by resolution, transfer surplus real property in the county to a private nonprofit corporation in the county or to the Housing Commission of Charles County, with or without consideration; or

(ii) sell or, if the State does not have a financial interest in the property, donate surplus school property that is transferred to the county by the school board, to a government unit or a private nonprofit corporation.

(2) Before transferring surplus property under this subsection, the county commissioners shall:

(i) hold a public hearing;

(ii) at the hearing, solicit and accept comments concerning the transfer; and

(iii) at the hearing, consider issues related to the transfer that include:

1. compatibility of the proposed use with the neighborhood;

2. financial issues, including the ability of the proposed transferee to construct, renovate, maintain, and operate a facility on the property;

3. the historical significance of the property; and

4. unique characteristics of any structure on the property.

(3) The notice of the public hearing shall:

(i) be published at least once each week for 2 successive weeks, with the last notice advertised at least 7 days before the date of the hearing in a newspaper of general circulation in the county; and

(ii) include an appraisal of the property obtained by the county commissioners.

(4) The county commissioners shall adopt regulations to implement this

subsection.

(d) (1) The County Commissioners of Charles County may:

(i) acquire by purchase, lease, condemnation, gift, or devise real property, or any interest in property, to establish county roads;

(ii) return real property to the original owner of the property or the owner's successor in interest when the property is no longer needed for road purposes;

(iii) sell at a public or private sale any property established as a county road when the property is no longer needed for road purposes; and

(iv) exchange real property established as a county road when the property is no longer needed for road purposes for other real property needed to establish county roads.

(2) The county commissioners shall advertise the sale or exchange of property under this section at least 20 days before the date of the sale or exchange.

(e) (1) If the County Commissioners of Charles County determine at a public sale of surplus county property that the highest bid is not reasonable, the county commissioners may reject all bids on the property.

(2) If the county commissioners reject all bids under this subsection, the county commissioners:

(i) shall record the highest bid in the minutes; and

(ii) may privately negotiate and sell the surplus property for a higher price if:

1. the settlement of the property sale is within 1 year from the day of the initial public sale; and

2. the county commissioners announce the privately negotiated agreement at the first meeting after reaching the agreement.

(3) The county commissioners shall adopt regulations to implement this subsection.

§12–407.

(a) (1) The governing body of Dorchester County may:

(i) purchase or lease personal property under a multiyear contract that requires the governing body to make installment or rental payments during 2 or more fiscal years;

(ii) pay interest as part of any installment or rental payments in accordance with the terms of the contract; and

(iii) pledge and assign the personal property purchased or leased to secure the obligation.

(2) (i) The governing body may enter into a contract under paragraph (1) of this subsection only if:

1. the governing body has appropriated money sufficient to pay the amount due under the contract during the first fiscal year in which the contract is effective;

2. subject to subparagraph (ii) of this paragraph, the contract authorizes the governing body to terminate the contract if money sufficient to pay the amount due under the contract for any fiscal year is not appropriated;

3. the contract provides that, except if the governing body defaults in payment under the contract, an obligation for payment under the contract is limited to money appropriated for contract payment for that fiscal year; and

4. the contract provides that, if the governing body defaults in payment under the contract, the obligation for payment is limited to:

A. money appropriated for contract payments for that fiscal year;

B. any money realized from the personal property purchased or leased under the contract; and

C. any other money legally available for contract payment.

(ii) The contract may provide that a contract termination is ineffective if the governing body purchases or leases personal property similar or functionally related to the property purchased or leased under the contract within a specified period of time.

(b) (1) Except as provided in subsection (d) of this section, the governing body of Dorchester County may:

(i) transfer without public sale any interest in surplus county real property to another government unit in the county under terms and conditions and for consideration, if any, as determined by the governing body; and

(ii) execute and acknowledge any instruments necessary to transfer the property.

(2) The governing body may:

(i) lease surplus real property to a nonprofit organization on terms and conditions as determined by the governing body; and

(ii) execute and acknowledge any instruments necessary to lease the property.

(c) The governing body of Dorchester County may:

(1) transfer without public sale surplus county real property, or any reversionary interest in that property, to any volunteer fire company located in the county for use in providing fire, emergency, and supporting services or facilities, on terms and conditions and for consideration, if any, as determined by the governing body; and

(2) execute and acknowledge any instruments necessary to transfer the property.

(d) (1) When selling or leasing riparian rights adjacent to county real property located in the City of Cambridge, the governing body of Dorchester County shall:

(i) solicit sealed bids or proposals by public advertisement in at least one newspaper of general circulation in the county;

(ii) open the sealed bids or proposals in public;

(iii) reject any unresponsive or unacceptable bid or proposal; and

(iv) select the bidder or offeror who proposes terms most favorable to the county.

(2) The governing body may take any action necessary to implement a competitive bidding process under this subsection.

§12–408.

(a) (1) Frederick County may:

(i) purchase or lease personal property under a multiyear contract that requires the county 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 may enter into a contract under paragraph (1) of this subsection only if:

1. the county 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 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 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 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 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) 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) Frederick County may sell surplus county real property at a public or private sale if, subject to county procedures, the governing body of Frederick County holds a hearing on the sale and provides adequate notice of the hearing.

(d) (1) 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 determines to be adequate.

(2) The county 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 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) 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.

§12–409.

(a) (1) The County Commissioners of Garrett County may:

(i) purchase or lease personal property under a multiyear contract that requires the county commissioners to make installment or rental payments during 2 or more fiscal years;

(ii) pay interest as part of any installment or rental payments in accordance with the terms of the contract; and

(iii) pledge and assign the personal property purchased or leased to secure the obligation.

(2) (i) The county commissioners may enter into a contract under paragraph (1) of this subsection only if:

1. the county commissioners have appropriated money sufficient to pay the amount due under the contract during the first fiscal year in which the contract is effective;

2. subject to subparagraph (ii) of this paragraph, the contract authorizes the county commissioners to terminate the contract if money sufficient to pay the amount due under the contract for any fiscal year is not appropriated;

3. the contract provides that, except if the county commissioners default in payment under the contract, an obligation for payment under the contract is limited to money appropriated for contract payment for that fiscal year; and

4. the contract provides that, if the county commissioners default in payment under the contract, the obligation for payment is limited to:

A. money appropriated for contract payments for that fiscal

year;

B. any money realized from the personal property purchased or leased under the contract; and

C. any other money legally available for contract payment.

(ii) The contract may provide that a contract termination is ineffective if the county commissioners purchase or lease personal property similar or functionally related to the property purchased or leased under the contract within a specified period of time.

(b) The County Commissioners of Garrett County may dispose of surplus county personal property by:

(1) public auction;

(2) public sale;

(3) a trade–in for new or used equipment;

(4) recycling; or

(5) disposal in the Garrett County landfill.

(c) (1) In Garrett County, if a public sale of surplus real property does not yield a bid for the property, the County Commissioners of Garrett County:

(i) shall record in their minutes that no bids were made;

(ii) may sell the surplus property by private sale for a reasonable price; and

(iii) shall announce the sale agreement at the first meeting after making the agreement.

(2) The county commissioners shall adopt regulations to implement this subsection.

§12–410.

(a) The County Commissioners of St. Mary's County may sell to a government unit located in the county surplus school board real property:

(1) without advertising the property for sale; and

(2) after obtaining three independent appraisals.

(b) The County Commissioners of St. Mary's County may sell surplus county

real property at a public or private sale if, subject to county procedures, the county commissioners hold a hearing on the sale and provide adequate notice of the hearing.

(c) (1) By resolution, the County Commissioners of St. Mary's County may transfer surplus real property in the county to a private nonprofit corporation in the county or to the Housing Authority of St. Mary's County with or without consideration, if the county commissioners:

(i) hold a public hearing;

(ii) at the hearing, solicit and accept comments concerning the transfer; and

(iii) at the hearing, consider issues related to the transfer that include:

1. compatibility of the proposed use with the neighborhood;

2. financial issues, including the ability of the proposed transferee to construct, renovate, maintain, and operate a facility on the property;

3. the historical significance of the property; and

4. unique characteristics of any structure on the property.

(2) The notice of the public hearing shall:

(i) be published at least once each week for 2 successive weeks, with the last notice advertised at least 7 days before the date of the hearing in a newspaper of general circulation in the county; and

(ii) include an appraisal of the property obtained by the county commissioners.

(3) The county commissioners shall adopt regulations to implement this subsection.

§12–411.

(a) (1) Notwithstanding any other provision of law, the County Commissioners of Somerset County may enter into a lease purchase agreement and related financing agreements to obtain property for a public purpose in the county.

(2) The county commissioners shall solicit bids in at least two newspapers of general circulation in the county before entering into a lease purchase agreement.

(3) If the county commissioners enter into a multiyear lease purchase agreement or related financing agreement, the agreement shall be subject to cancellation by the county commissioners at the end of a fiscal year if sufficient money

is not appropriated to fund the agreement in the subsequent fiscal year.

(b) (1) The County Commissioners of Somerset County may sell any interest in county surplus property by soliciting and accepting sealed bids.

(2) The county commissioners shall publish an invitation for bids at least twice in a newspaper of general circulation in the county between 10 and 90 days, inclusive, before the date set for opening bids.

(3) The county commissioners:

(i) shall open the bids in public; and

(ii) may act on the bids only during a public session of the county commissioners.

(4) The county commissioners may reject all bids on the property if the county commissioners determine that the highest bid does not yield a reasonable price.

(5) If the county commissioners reject all bids, the county commissioners:

(i) shall record the highest bid in the minutes of the public session; and

(ii) may sell the property:

1. by republishing an invitation for sealed bids;

2. by public auction; or

3. if the property is surplus school property, in accordance with subsection (c) of this section.

(6) The county commissioners shall adopt an ordinance or resolution to govern the sale of property under this subsection.

(c) The County Commissioners of Somerset County may sell to a government unit located in the county surplus school board real property:

(1) without advertising the property for sale; and

(2) after obtaining three independent appraisals.

(d) (1) The provisions of this subtitle do not apply to a sale of property under this subsection.

(2) The County Commissioners of Somerset County may sell the approximately 4.02 acres of property at county Tax Map 103, Grid 8, Parcel 1467 (known as Whittington Elementary School) to Shore Up Inc., under terms considered

appropriate by the county commissioners.

(3) The county commissioners may sell the following property to the City of Crisfield under terms considered appropriate by the county commissioners:

(i) 7 North First Street, Tax Map 101, Grid 22, Parcel 757 (.073 acres);

(ii) 320–322 Locust Street, Tax Map 101, Grid 21, Parcel 810 (.158 acres);

(iii) 304 Tyler Street, Tax Map 102, Grid 11, Parcel 616 (.146 acres); and

(iv) 15 West Main Street, Tax Map 103, Grid 1, Parcel 1373 (.386 acres).

§12–412.

(a) The County Commissioners of Washington County may acquire property or any interest in property by purchase, gift, or condemnation to acquire, construct, or maintain a railroad line, if the county commissioners:

(1) determine, by resolution, that the railroad line will help preserve and attract industry and promote economic growth in the county; and

(2) solicit bids and hold a public hearing in the same manner as required for other public property in the county.

(b) (1) If the State builds or acquires a railroad line in Washington County, the County Commissioners of Washington County may contribute a reasonable amount toward the cost of the railroad line from the general funds of the county.

(2) Before the county commissioners spend money under this subsection, the county commissioners shall comply with the requirements for acquisition of property for a railroad under subsection (a) of this section.

§12–501.

In this part, "road" includes a street, an avenue, an alley, a lane, or any other public way.

§12–502.

The provisions in this subtitle that relate to public roads apply to roads in unincorporated towns and villages.

§12–503.

(a) This section applies to all counties, except Baltimore City.

(b) The governing body of a county has control over county roads.

(c) The governing body of a county may appoint:

(1) road supervisors; and

(2) civil engineers to oversee the grading, construction, and repair of county roads.

(d) A civil engineer appointed in accordance with subsection (c) of this section shall:

(1) hold office for a term, with a salary, under a bond, and subject to regulations of the governing body calculated to secure competent officers and a faithful discharge of duty; and

(2) direct and manage the grading, construction, and repair of county roads.

§12–504.

(a) This section applies to all counties, except Baltimore City.

(b) This section does not apply to a public road in a municipality.

(c) The governing body of a county:

(1) may open, alter, or close a county road;

(2) has control over and may adopt rules and regulations for work on county roads; and

(3) may pay the cost of work on county roads.

(d) (1) The governing body of a county may regulate, by resolution:

(i) vehicle parking on county roads; and

(ii) the construction, maintenance, repair, and cleaning of sidewalks.

(2) A county shall provide for public notice of the regulations on vehicle parking.

(e) (1) Except as provided in paragraph (2) of this subsection, a person who violates a resolution adopted under this section is guilty of a misdemeanor and on

conviction is subject to a fine not exceeding $100.

(2) In Calvert County, a person who violates a resolution adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§12–505.

(a) This section applies to all counties except Baltimore City.

(b) After adopting a resolution stating that a county responsibility or purpose will be served, a governing body of a county may pay, from any highway funds under its control, for a highway project in a municipality.

§12–506.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Charles County;

(6) Howard County;

(7) Prince George's County;

(8) Queen Anne's County; and

(9) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may:

(1) provide for building, maintaining, or repairing any road or sidewalk condemned, ceded, opened, widened, extended, or straightened as public property;

(2) pay for the cost to build, maintain, or repair a road or sidewalk by imposing a tax on the assessable base of the county or from the county's share of the State motor fuel tax;

(3) establish the office of county roads engineer; and

(4) establish the powers and duties of the county roads engineer.

(d) The County Commissioners of Somerset County may maintain, repair, or reconstruct any private road that has been used by the public for at least 20 years.

§12–507.

(a) This section applies to all counties.

(b) (1) The governing body of a county shall erect and maintain a sign at each intersection of a county road with a State road or state–aid road that shall:

(i) contain, in letters at least 3 inches in height, the name of the principal place or places to which the county road leads and the distance to the place or places from the intersection of the county road and the State road or state–aid road; and

(ii) be securely fastened on a substantial post firmly placed in the ground.

(2) In a county where the jurisdiction over the county roads is vested by law in a board or other official, the duties of this section shall be the duties of the board or other official.

(c) A person who defaces, damages, or destroys a sign erected or maintained under this section is guilty of a misdemeanor and on conviction is subject to imprisonment for not less than 10 days and not exceeding 30 days or a fine for each offense not exceeding $50 or both.

§12–508.

(a) This section applies to all counties, except Baltimore City.

(b) This section does not apply to fire hydrants in a municipality.

(c) The governing body of a county may, by resolution, regulate the location and construction of fire hydrants.

(d) (1) Except as provided in paragraph (2) of this subsection, a person who violates a resolution adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

(2) In Calvert County, a person who violates a resolution adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§12–511.

This part applies to all counties, except Baltimore City and Queen Anne's County.

§12–512.

(a) A resident of the county may request, by petition, that the governing body of a county open, alter, or close a road.

(b) A resident who intends to submit a petition under this section shall give at least 30 days' notice by publication once a week for 3 successive weeks in at least one newspaper of general circulation in the county.

(c) (1) In response to a petition filed under this section, a resident may submit a counter petition to the governing body of the county.

(2) The governing body shall consider the counter petition, and any other testimony presented, when deciding whether to approve the petition to open, alter, or close a road.

(d) The governing body of a county may open, alter, or close any county road under this subtitle on its own initiative if:

(1) at least 30 days' notice is given by publication once a week for 3 successive weeks in a newspaper of general circulation in the county; and

(2) a hearing is held to consider any objection or counter petition.

§12–513.

(a) The governing body of a county may contract with a property owner for a right–of–way over land that is necessary for:

(1) the opening or altering of a road;

(2) a public wharf;

(3) drains for county roads; or

(4) other public uses.

(b) When the governing body of a county contracts for a right–of–way for a road under subsection (a) of this section, the governing body shall:

(1) have a licensed surveyor make a plat of the road;

(2) record the plat in the office of the clerk of the circuit court for the county in which the deed conveying the property is required to be recorded; and

(3) incorporate the plat into the deed conveying the property.

§12–514.

(a) If the governing body of a county decides to open, alter, or close a road, the governing body may appoint three examiners to view the property through which the road is intended to run.

(b) (1) An examiner:

(i) shall own real property in the county; but

(ii) may not have an interest in any property through which the road is proposed to be opened, altered, or closed.

(2) (i) An examiner shall take an oath to faithfully and impartially execute the commission of examiner.

(ii) The oath shall be endorsed on the commission, which shall be returned to the examiner.

(c) The appointment of examiners does not preclude the governing body of the county from contracting with a property owner as provided in § 12–513 of this subtitle.

(d) (1) The examiners shall give 30 days' notice of their intent to examine the property by publication once a week for 3 successive weeks in a newspaper of general circulation in the county.

(2) After expiration of the 30 days' period, at least two of the examiners shall examine the property and determine whether the public convenience requires that the road be opened, altered, or closed.

(e) If a petition is submitted to open or alter a road, the examiners shall locate the road so that the public convenience is best promoted.

(f) The examiners shall submit to the governing body of the county:

(1) a plat showing:

(i) the proposed new or altered road; and

(ii) for a petition to alter or close a road, the old road; and

(2) a report detailing:

(i) the examiners' proceedings;

(ii) the findings of the examiners regarding the proposal to open, alter, or close a road;

(iii) if the examiners recommend not opening, altering, or closing the

road, the reasons for the recommendation; and

(iv) a determination of the cost of any damages under § 12–515 of this subtitle.

(g) (1) Each examiner is entitled to compensation not to exceed $2 per day, as determined by the governing body of the county, for the examiner's services.

(2) The governing body shall determine whether the compensation of the examiners and all costs arising from the survey, attendance of witnesses, or other expenses shall be:

(i) paid by the petitioner;

(ii) paid by the county; or

(iii) apportioned between the petitioner and the county.

§12–515.

(a) Taking into account the advantages and disadvantages of opening or altering a road, at least two of the examiners shall determine the cost of damages that may be sustained by a person through whose property an opened or altered road may pass.

(b) The governing body of the county may ratify, reject, or alter the determination of the cost of damages under subsection (a) of this section.

(c) (1) The governing body of the county shall determine whether the damages shall be:

(i) paid by the petitioner;

(ii) paid by the county; or

(iii) apportioned between the petitioner and the county.

(2) Before the road may be opened, any damages owed shall be paid to the respective property owner, or to the respective property owner's guardian, agent, or attorney.

(3) If a property owner dies after the examiners have determined the cost of damages, the damages shall be paid to the property owner's personal representative.

(d) (1) Subject to a determination under subsection (c)(1) of this section, signing a petition for opening, altering, or closing of a road does not make the petitioner liable for the payment of any part of the damages determined by the governing body of the county.

(2) The governing body may hold a petitioner liable for the costs incurred by a person defending against the petition if the case is decided in favor of the person defending against the petition.

(3) If the governing body does not order the opening, altering, or closing of a road as requested in a petition, the petitioner shall be liable for all costs incurred by any person as a result of any proceeding relating to the petition under this subtitle.

§12–516.

At the first meeting of the governing body of a county following the meeting at which the examiners submit their report on the proposed opening, altering, or closing of a road, if no objection is made on the report, the governing body may:

(1) affirm, reject, or amend a finding or determination of the examiners; or

(2) continue the proceeding over to the next meeting of the governing body and to successive meetings.

§12–517.

If a county road cannot be conveniently drained by drains along the road, to make drains on the property outside the road, the governing body of a county may:

(1) contract for a right–of–way on the property as authorized under § 12–513 of this subtitle; or

(2) acquire the necessary property through condemnation under Title 12 of the Real Property Article.

§12–518.

(a) This section applies only to:

(1) Allegany County;

(2) Garrett County; and

(3) Washington County.

(b) For the purpose of building a new road, improving or widening an existing road, or draining a road, the county commissioners may acquire the necessary property through condemnation under Title 12 of the Real Property Article.

§12–519.

(a) This section does not apply to:

(1) Allegany County;

(2) Baltimore County;

(3) Montgomery County;

(4) Washington County; or

(5) Wicomico County.

(b) A road may not be opened or altered to pass through the buildings, gardens, yards, or burial grounds of any person without the written consent of the owner of the property.

§12–520.

(a) (1) Except as provided in subsections (b) and (c) of this section, a road opened under this subtitle shall be at least 30 feet wide.

(2) A road opened under this subtitle is a public road.

(b) If the County Commissioners of Somerset County determine that the difficulty or cost of building a road to the width of 30 feet is excessive, the county may build portions of roads that are less than 30 feet wide in:

(1) the Smith's Island district; and

(2) the Fairmount district on the road leading from the main county highway to the village of Rumbley.

(c) (1) The governing body of Anne Arundel County may take over and maintain as a public road any alley or road in the county that is at least 20 feet wide if the road or alley was open or dedicated for use as a road or alley before June 1, 1943.

(2) (i) Subject to subparagraph (ii) of this paragraph, the governing body may take over and maintain as a public road any alley in the county that is at least 10 feet wide and is in a subdivision platted before July 1, 1953.

(ii) If an alley described in subparagraph (i) of this paragraph does not satisfy the standards and requirements of the State Highway Administration for the purpose of receiving a share of highway user revenues, the expense of taking over and maintaining the alley shall be paid by a special tax imposed on the property owners in the affected subdivision.

§12–521.

If the governing body of a county decides to open or alter a road, the governing body shall:

(1) at the usual time for imposing taxes, impose a tax on the assessable property of the county in an amount sufficient to open or alter the road and pay any damages awarded and owed by the county; and

(2) open or alter the road as soon as it can be done conveniently.

§12–522.

If any road in Frederick County has not been maintained 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.

§12–523.

The County Commissioners of Allegany County may open or close, or both, any alleys or streets in the county where the purpose of opening the alleys or streets is to give the county commissioners jurisdiction to close the alleys or streets at some later time.

§12–526.

In this part, "road" includes a street, an avenue, an alley, a lane, or any other public way.

§12–527.

(a) This section applies only to:

(1) Allegany County;

(2) Baltimore County;

(3) Calvert County;

(4) Carroll County;

(5) Cecil County;

(6) Frederick County;

(7) Garrett County;

(8) Harford County;

(9) Howard County;

(10) Montgomery County;

(11) Prince George's County;

(12) St. Mary's County; and

(13) Washington County.

(b) (1) Except as provided in paragraph (2) of this subsection, the governing body of a county may adopt and enforce rules and regulations relating to the maximum size and weight of motor vehicles that may be operated on county roads.

(2) The governing body of a county may not set the maximum weight under paragraph (1) of this subsection at a weight greater than the maximum allowed by the public general laws of the State.

(3) Rules and regulations adopted under this subsection shall:

(i) have a reasonable relationship to the construction, use, and character of the road; and

(ii) be designed to assure the continued safety and good condition of the road.

(c) A person who violates a rule or regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $1,000.

§12–528.

(a) This section applies only to:

(1) Somerset County;

(2) Wicomico County; and

(3) Worcester County.

(b) (1) Subject to subsection (c) of this section, the governing body of a county may contract with the owner of a private road in the county for the county to take over and maintain the private road if the owner pays an annual maintenance charge to the county to cover the maintenance expenses of the county for the private road.

(2) The governing body may provide that the maintenance charge imposed under this section is a lien on the property affected and shall be collected in the same manner as county real property taxes.

(c) The County Council of Wicomico County may not enter into a contract in accordance with this section unless the contract concerns a private road on which there are at least three dwelling houses.

§12–529.

(a) (1) The County Commissioners of Calvert County may establish road construction districts by ordinance.

(2) Two–thirds of the property owners along a road route may request the creation of a road construction district and a road project by presenting a written petition to the county commissioners.

(b) (1) Before establishing a road construction district, the County Commissioners of Calvert County shall:

(i) hold a public hearing on the proposed district;

(ii) send notice of the time and place of the hearing to each property owner in the proposed district by mail to the address shown on the assessment records; and

(iii) publish notice of the time and place of the hearing in two newspapers of general circulation in the county for 2 successive weeks.

(2) At the hearing, the county commissioners shall:

(i) determine the scope of the road project; and

(ii) advise the property owners of the approximate cost and estimated individual benefit charges.

(3) The county commissioners shall:

(i) determine the feasibility of taking the road into the county roads system and undertaking the road project;

(ii) determine whether on completion of the project the road can be taken into the county roads system in accordance with subsection (g) of this section; and

(iii) determine whether to proceed with plans and specifications for the project.

(4) (i) If the county commissioners decide to proceed with the project, the county commissioners shall set a date for a final hearing.

(ii) The date for the final hearing may be changed only if notice is given in accordance with this subsection.

(5) At the final hearing, if the county commissioners establish the district, the county commissioners shall:

(i) set the boundaries of the district; and

(ii) provide for the project scope, cost estimate, and estimated individual benefit charges.

(c) (1) The estimated benefit charges on each lot or parcel of land in the road construction district shall be based on the benefits accruing to the lot or parcel of land.

(2) The County Commissioners of Calvert County shall determine:

(i) when the property owners shall pay back the costs to the county;

(ii) whether interest will be charged; and

(iii) the rate of interest charged, if any.

(d) If the County Commissioners of Calvert County determine to proceed with the road project, they shall advertise for bids and award the contract to the lowest responsible bidder.

(e) (1) On completion of a road project, the County Commissioners of Calvert County shall impose a benefit charge on all real property in the district.

(2) The benefit charge shall be sufficient to meet the costs of the project, including:

(i) interest paid if a debt is created by the county commissioners; and

(ii) administrative costs, including notices to property owners and advertisements.

(3) The benefit charge is a lien on the real property against which it is assessed and shall be paid annually in the same manner as county real property taxes and for the period of time established by the county commissioners.

(f) (1) The County Commissioners of Calvert County may purchase land for use in connection with the road construction district.

(2) The minimum right–of–way that may be purchased in accordance with this section is 30 feet.

(g) When completed to county specifications, the County Commissioners of Calvert County shall place the road in the county roads system.

§12–530.

(a) This section does not apply to a privately owned road in Calvert County that was constructed on or before September 30, 2011.

(b) By ordinance, the County Commissioners of Calvert County may:

(1) regulate the grading, constructing, improving, maintaining, and repairing of county roads and new roads intended for future public use, including roads proposed for any subdivision approved by the Calvert County Planning Commission, whether recorded or proposed, including sidewalks, curbs, gutters, driveway entrances, storm drainage facilities, and appurtenances to be located in the subdivision;

(2) establish standards for utility cuts in and across county rights–of–way;

(3) regulate access to county–owned roads;

(4) establish minimum standards to which a new road in a subdivision in Calvert County must be constructed before the issuance of a building permit for a lot served by the road;

(5) regulate the engineering and constructing of any new public road, bridge, sidewalk, curb, gutter, and storm drainage facility proposed for acceptance into the county roads system;

(6) regulate the acceptance of any new public road, bridge, sidewalk, curb, gutter, and storm drainage facility into the county roads system;

(7) establish fees to defray the cost of reviewing plans and performing inspections for the construction of roads and for utility cuts in accordance with an ordinance enacted under this section; and

(8) provide for a civil penalty for violation of an ordinance enacted under this section.

(c) A violation of an ordinance enacted under this section shall be enforced in the same manner and to the same extent as provided for municipal infractions under §§ 6–108 through 6–115 of this article.

(d) In addition to any remedies provided for under an ordinance enacted under this section, the County Commissioners of Calvert County may seek other remedies provided by law.

§12–531.

(a) The County Commissioners of Carroll County may regulate any county road that is not in a municipality and that has not been designated or maintained as a part of the State or federal highway system relating to:

(1) vehicle weight;

(2) vehicle parking;

(3) vehicle abandonment;

(4) building or maintenance by a private or public utility necessary for the performance of the utility's purpose;

(5) construction and maintenance of driveway connections where connections are provided; and

(6) vehicle speed, but only if the speed regulation has been recommended by the Department of State Police.

(b) To indicate and carry out rules and regulations adopted under subsection (a)(1), (2), and (6) of this section, the County Commissioners of Carroll County shall provide appropriate traffic control devices that conform to State specifications.

(c) For a new road or drainage system, the County Commissioners of Carroll County may adopt rules and regulations relating to:

(1) engineering;

(2) construction; and

(3) acceptance of the road or drainage system into the county roads system for maintenance by the county.

(d) (1) By local law, the County Commissioners of Carroll County may establish that a person who violates a rule or regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25, exclusive of costs.

(2) A penalty provision of another public general law prevails over a fine authorized under this subsection.

§12–532.

(a) Except as provided in subsection (c) of this section, Cecil County shall obtain the following by competitively bid contract awarded to the lowest responsive and responsible bidder:

(1) the building or repair of a road; and

(2) the purchase or lease of road or construction equipment or machinery.

(b) (1) The governing body of Cecil County shall advertise for bids on a contract under subsection (a) of this section in at least one newspaper of general circulation in the county.

(2) The advertisement shall:

(i) appear at least once;

(ii) appear at least 1 week, but not more than 30 days, before the final date for submitting bids;

(iii) if the contract relates to building or repairing a road, set forth the place where the road is to be built or repaired;

(iv) include a description of the goods or services required under the contract;

(v) state that sealed bids for goods or services will be received until the date designated in the advertisement; and

(vi) designate a date for the opening of the bids.

(c) (1) Subsections (a) and (b) of this section do not apply to an expenditure that:

(i) is $10,000 or less; or

(ii) the governing body of Cecil County by a recorded majority vote taken at a public meeting declares to be an emergency expenditure.

(2) For an expenditure under this subsection, the governing body may determine:

(i) the manner of providing for the expenditure; and

(ii) if the building or repair is by contract, the manner in which the contract is awarded.

(d) (1) A contract entered into in violation of subsection (a) or (b) of this section is void, unless:

(i) a court determines in a judicial action that all parties acted in good faith; and

(ii) the parties have substantially complied with the provisions of subsections (a) and (b) of this section.

(2) If a contract is void under this subsection, the governing body of Cecil County shall compensate the contractor for costs actually incurred if the contractor:

(i) acted in good faith;

(ii) did not directly contribute to the violation; and

(iii) did not know of the violation.

(e) A person who willfully violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§12–533.

To the extent not provided for in Title 8 of the Transportation Article, the powers of the County Commissioners of Charles County relating to the building and maintenance of county roads are governed by §§ 104–1 through 104–8 of the Public Local Laws of Charles County.

§12–534.

(a) (1) The County Commissioners of Charles County shall designate county roads that are not accessible for through traffic by motor vehicles that are over 26,000 pounds.

(2) The designation of county roads shall:

(i) have a reasonable relationship to the construction, use, and character of the roads; and

(ii) be designed to assure the continued safety and good condition of the roads.

(b) The County Commissioners of Charles County shall provide for the installation of traffic control devices that give notice of the restricted access to the designated roads on or at the entrances to the roads.

(c) A person who violates an ordinance or regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $1,000 or both.

§12–535.

In accordance with § 21–1119 of the Transportation Article, the County Commissioners of Garrett County may:

(1) designate a county road to be an "emergency snow route";

(2) regulate travel on an emergency snow route;

(3) provide for a method of declaring a snow emergency;

(4) prohibit the parking or abandoning of a vehicle on an emergency snow route during a snow emergency; and

(5) authorize the removal of a vehicle parked or abandoned on an emergency snow route during a snow emergency.

§12–536.

(a) The County Commissioners of Garrett County may enact an ordinance to regulate the height, size, location, and setback of an advertising sign adjacent to a State or county road in Garrett County.

(b) An ordinance enacted under this section may not be less stringent than any applicable State or federal law.

§12–537.

(a) In this section, "visible from the traveled way" means capable of being seen, whether or not legible, without visual aid by an individual with normal visual acuity.

(b) This section does not apply to:

(1) outdoor advertising signs promoting a business or other activity conducted on the same property as the sign;

(2) outdoor advertising signs located under the authority of zoning permits in commercial or industrial zones;

(3) outdoor advertising signs authorized in districts zoned commercial and industrial by a municipality within the boundaries of the municipality;

(4) temporary real estate signs;

(5) official directional signs installed by the State Highway Administration or Harford County;

(6) signs denoting places of religious worship or a historic monument, provided that the signs are located in accordance with the rules and regulations of the State Highway Administration; and

(7) outdoor advertising signs erected before June 1, 1972.

(c) In Harford County, a person may not lease, rent, use, or permit the use of property for the purpose of erecting an outdoor advertising sign adjacent to a State or county highway if the sign is visible from the traveled way of the highway.

(d) This section may not be construed to permit the erection of an outdoor advertising sign in Harford County that is otherwise prohibited by State or local law or by local zoning ordinance.

(e) (1) The State Highway Administration or Harford County may acquire by purchase, gift, or condemnation outdoor advertising signs that are visible from the traveled way of State or county highways if the outdoor advertising signs were erected before June 1, 1972.

(2) (i) The State Highway Administration or Harford County shall pay just compensation for the removal of an outdoor advertising sign under this section.

(ii) Compensation may not be paid for any outdoor advertising signs erected after June 1, 1972.

(iii) Compensation may be paid only for the following:

1. taking from the owner of the sign all right, title, leasehold, and interest in the sign; and

2. taking from the owner of the property on which the sign is located the right to erect and maintain the sign on the property.

§12–538.

(a) The County Commissioners of St. Mary's County may regulate for any public road, sidewalk, curb, gutter, or storm drainage facility in the county that is not in a municipality and that has not been designated or maintained as a part of the State or federal highway system relating to:

(1) vehicle weight;

(2) vehicle parking;

(3) vehicle abandonment;

(4) building or maintenance by a private or public utility necessary for the performance of the utility's purpose;

(5) building or maintenance of driveway connections where connections are provided; and

(6) vehicle speed.

(b) (1) This subsection applies to roads proposed for subdivisions, including sidewalks, curbs and gutters, driveway entrances, and storm drainage facilities and appurtenances to be located in the subdivision.

(2) The County Commissioners of St. Mary's County shall enact, by ordinance, rules and regulations that govern the grading, building, improving, maintaining, and repairing of roads, used or intended for use by the public.

(c) If required by an ordinance enacted under subsection (a) of this section, the County Commissioners of St. Mary's County shall provide appropriate traffic control devices.

(d) For a new road, sidewalk, curb, gutter, or storm drainage facility, the County Commissioners of St. Mary's County may regulate relating to:

(1) engineering;

(2) construction; and

(3) acceptance of the road, sidewalk, curb, gutter, or storm drainage facility into the county roads system.

(e) (1) Except as provided in subsection (f) of this section, a person who violates an ordinance, a rule, or a regulation enacted under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(2) Every day that a violation continues is a separate offense.

(f) (1) The County Commissioners of St. Mary's County may impose a civil penalty for a violation of an ordinance, a rule, or a regulation enacted under this section.

(2) Enforcement of an ordinance, a rule, or a regulation enacted under this section shall be in the same manner and to the same extent as provided for municipal infractions under Title 6 of this article.

(3) In addition to other remedies provided by law, the county may bring an action for an injunction against a person who violates an ordinance, a rule, or a regulation enacted under this section to require correction or elimination of a violation.

§12–539.

The County Council of Talbot County may maintain, repair, and reconstruct any private dirt or gravel road that was being maintained when the county roads ordinance was adopted in November 1975.

§12–601.

(a) This section applies to all counties, except Baltimore City.

(b) The governing body of a county has control over county bridges.

(c) The governing body of a county may appoint civil engineers to oversee the construction and repair of county bridges.

(d) A civil engineer appointed in accordance with subsection (c) of this section shall:

(1) hold office for a term, with a salary, under a bond, and subject to regulations of the governing body of the county calculated to secure competent officers and a faithful discharge of duty; and

(2) direct and manage the construction and repair of county bridges.

§12–602.

(a) This section applies to all counties, except Baltimore City.

(b) This subtitle does not authorize the governing body of a county to build a bridge across a navigable river.

§12–603.

(a) This section applies to all counties, except Baltimore City.

(b) The governing body of a county:

(1) may build and repair bridges; and

(2) shall impose a tax on the assessable property in the county necessary to pay for the building and repair of bridges, including embankments and abutments.

§12–606.

This part applies to all counties, except Baltimore City.

§12–607.

(a) A person may request, by petition, that the governing body of a county build or repair a bridge.

(b) A person who intends to submit a petition under this section shall give at least 30 days' notice by publication once a week for 3 successive weeks in at least one newspaper of general circulation in the county.

(c) After hearing the reasons for and against a petition, the governing body of a county shall decide whether to approve the petition based on what will best promote the public convenience.

§12–608.

(a) This section does not apply to Cecil County.

(b) (1) Except as provided in paragraph (3) of this subsection, if the cost of building or repairing a bridge under this part is more than $200, the governing body of a county shall:

(i) build or repair the bridge by contract; and

(ii) advertise a contract to build or repair the bridge in at least one newspaper of general circulation in the county.

(2) The advertisement required under this subsection shall specify:

(i) the location where the bridge is to be built or repaired, including full specifications of the plan and materials; and

(ii) that sealed proposals for building or repairing the bridge will be received until the date designated in the advertisement.

(3) Notwithstanding any other provision in this article, the governing body of Dorchester County shall either:

(i) authorize the appropriate unit of the county to build or repair a bridge; or

(ii) award the necessary and appropriate contracts for all aspects of the building or repairing of the bridge in accordance with paragraphs (1) and (2) of this subsection, regardless of the cost of building or repairing the bridge.

(c) If the cost of building or repairing a bridge is $200 or less, the governing body of a county may determine:

(1) the manner of building or repairing the bridge; and

(2) if the building or repair is by contract, the manner in which a contract is awarded.

§12–609.

(a) (1) On the date designated in the advertisement for the contract to build or repair a bridge under this part, the governing body of a county shall open the bids.

(2) The governing body shall award the contract to the lowest bidder that the governing body determines is qualified to build or repair the bridge.

(3) The person awarded the contract shall provide the governing body a bond issued by an approved surety, in double the amount of the contract, conditioned on performance of the contract.

(b) (1) After notification by the contractor that the work is finished, the governing body of a county shall:

(i) inspect the work; and

(ii) if the governing body determines that the bridge is built or repaired in accordance with the specifications of the contract, the governing body shall take control of the bridge and open the bridge for public travel.

(2) After the bridge is open for public travel, the contractor is entitled to receive the last installment due on the contract.

§12–610.

(a) (1) A resident of a county may submit a written petition to the governing body of a county requesting that a bridge connecting that county to an adjoining county be built or repaired.

(2) If the governing body determines the request for bridge building or repair is reasonable, the governing body shall request in writing the concurrence of the governing body of the adjoining county.

(3) If the governing body of the adjoining county concurs, the governing body of each county shall:

(i) appoint three independent examiners; and

(ii) notify the governing body of the other county of the appointment.

(b) (1) The examiners appointed under subsection (a) of this section shall meet promptly to determine:

(i) the advisability of building or repairing the bridge;

(ii) the location of the building or repair;

(iii) the building or repair plan;

(iv) the materials required for the building or repair;

(v) the estimated cost of the building or repair; and

(vi) the portion of the cost of building or repair to be paid by each of the adjoining counties.

(2) The examiners shall report the findings and recommendations made under paragraph (1) of this subsection to their respective governing body.

§12–611.

(a) If the governing bodies of the adjoining counties approve the findings and recommendations of the examiners under § 12–610 of this subtitle to build or repair a bridge, the governing bodies shall direct the examiners to advertise for sealed bids on a contract to build or repair the bridge.

(b) (1) The advertisement shall specify:

(i) the location of the building or repair of the bridge;

(ii) the building or repair plan;

(iii) the materials and workmanship required for the building or repair; and

(iv) the time and place for the opening of the bids.

(2) The information stated in the advertisement shall include sufficient detail to obtain adequate bids.

§12–612.

(a) The examiners shall:

(1) open the bids at the time and place specified in the advertisement required under § 12–611 of this subtitle; and

(2) award the contract for bridge building or repair to the lowest bidder that meets the requirements of the notice.

(b) The person awarded the contract under subsection (a) of this section shall provide the governing bodies of the counties a bond issued by an approved surety, in double the amount of the contract, conditioned on performance of the contract.

(c) At any time during the performance of the bridge construction or repair, the examiners may inspect and direct the progress of the work.

(d) (1) On completion of the bridge construction or repair, the examiners shall:

(i) take control of the bridge and open the bridge for public travel; and

(ii) notify the governing bodies of the adjoining counties of the completion.

(2) On notification that the bridge building or repair is complete, the governing bodies of the adjoining counties shall pay their respective portions of the cost of the work according to the contract.

(e) (1) If the examiners cannot agree on the portion of the cost of building or repairing the bridge each of the adjoining counties should pay, each group of examiners from each of the adjoining counties shall appoint an arbitrator to determine the amounts.

(2) (i) If the arbitrators cannot agree on the portion of the cost of building or repairing the bridge each of the adjoining counties should pay, the arbitrators shall appoint an umpire to decide the portion of the cost each county must pay.

(ii) The umpire may not reside in either of the adjoining counties.

(3) The decision of the arbitrators or the umpire is final and binding on the adjoining counties.

§12–613.

(a) (1) A resident of a county in which the governing body has decided to build or repair a bridge, including a bridge between the county and an adjoining county, may seek review of the decision in the circuit court if the resident:

(i) files before a contract for the building or repairing is awarded; and

(ii) alleges that the decision is inexpedient.

(2) The governing body of the county shall give the resident or the resident's counsel full opportunity to examine the books and papers of the county relating to the decision to build or repair the bridge.

(3) The circuit court shall hear and decide the case according to justice and right with or without a jury as agreed to by the parties or ordered by the court.

(b) (1) Except as provided in paragraph (2) of this subsection, the court shall allocate costs in a manner that the court determines just and equitable.

(2) If the court sustains the decision of the governing body of the county, the resident shall pay the costs.

(3) The governing body of the county shall pay any costs ordered by the court and all incidental expenses.

§12–616.

(a) The County Commissioners of Carroll County may regulate the public bridges in the county that are not in a municipality and that have not been designated or maintained as a part of the State or federal highway system relating to:

(1) vehicle weight;

(2) vehicle parking;

(3) vehicle abandonment;

(4) building or maintenance by a private or public utility necessary for the performance of the utility's purpose; and

(5) vehicle speed, but only if the speed regulation has been recommended by the Department of State Police.

(b) To indicate and carry out rules and regulations adopted under subsection

(a)(1), (2), and (5) of this section, the County Commissioners of Carroll County shall provide appropriate traffic control devices that conform to State specifications.

(c) For a new bridge, the County Commissioners of Carroll County may adopt rules and regulations relating to:

(1) engineering;

(2) construction; and

(3) acceptance of the bridge into the county road system for maintenance by the county.

(d) (1) By local law, the County Commissioners of Carroll County may establish that a person who violates a rule or regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25, exclusive of costs.

(2) A penalty provision of another public general law prevails over a fine authorized under this subsection.

§12–617.

(a) Except as provided in subsection (c) of this section, Cecil County shall obtain the following by a competitively bid contract awarded to the lowest responsive and responsible bidder:

(1) the building or repair of a bridge; and

(2) the purchase or lease of bridge construction equipment or machinery.

(b) (1) The governing body of Cecil County shall advertise for bids on a contract under subsection (a) of this section in at least one newspaper of general circulation in the county.

(2) The advertisement shall:

(i) appear at least once;

(ii) appear at least 1 week, but not more than 30 days, before the final date for submitting bids;

(iii) if the contract relates to building or repair of a bridge, specify the location where the bridge is to be built or repaired;

(iv) include a description of the goods or services required under the contract;

(v) state that sealed bids for goods or services will be received until

the date designated in the advertisement; and

(vi) designate a date for the opening of the bids.

(c) (1) Subsections (a) and (b) of this section do not apply to an expenditure that:

(i) is $10,000 or less; or

(ii) the governing body of Cecil County by a recorded majority vote taken at a public meeting declares to be an emergency expenditure.

(2) For an expenditure under this subsection, the governing body may determine:

(i) the manner of providing for the expenditure; and

(ii) if the building or repair is by contract, the manner in which the contract is awarded.

(d) (1) A contract entered into in violation of subsection (a) or (b) of this section is void, unless:

(i) a court determines in a judicial action that all parties acted in good faith; and

(ii) the parties have substantially complied with the provisions of subsections (a) and (b) of this section.

(2) If a contract is void under this subsection, the governing body of Cecil County shall compensate the contractor for costs actually incurred if the contractor:

(i) acted in good faith;

(ii) did not directly contribute to the violation; and

(iii) did not know of the violation.

(e) A person who willfully violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

§12–618.

(a) The County Commissioners of St. Mary's County may regulate bridges in the county that are not in a municipality and that have not been designated or maintained as a part of the State or federal highway system relating to:

(1) vehicle weight;

(2) vehicle parking;

(3) vehicle abandonment;

(4) building or maintenance by a private or public utility relating to the performance of the utility's purpose;

(5) the building or maintenance of driveway connections where connections are provided; and

(6) vehicle speed.

(b) If required by an ordinance enacted under subsection (a) of this section, the County Commissioners of St. Mary's County shall provide appropriate traffic control devices.

(c) For a new bridge, the County Commissioners of St. Mary's County may regulate relating to:

(1) engineering;

(2) construction; and

(3) acceptance of the bridge into the county road system.

(d) (1) Except as provided in subsection (e) of this section, a person who violates an ordinance, a rule, or a regulation enacted under this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

(2) Each day that a violation continues is a separate offense.

(e) (1) The County Commissioners of St. Mary's County may impose a civil penalty for a violation of an ordinance, a rule, or a regulation enacted under this section.

(2) Enforcement of an ordinance, a rule, or a regulation enacted under this section shall be in the same manner and to the same extent as provided for municipal infractions under Title 6 of this article.

(3) In addition to other remedies provided by law, the county may bring an action for an injunction against a person who violates an ordinance, a rule, or a regulation adopted under this section to require correction or elimination of a violation.

§12–621.

(a) This section applies to all counties.

(b) (1) A corporation may build a bridge over a river, creek, or stream in the State or dig, build, or maintain a canal only if the governing bodies of all counties in

the State in which the bridge or canal is to be built have authorized the corporation to build the bridge or canal.

(2) A resolution of the governing body of a county authorizing the building of a bridge or canal shall be recorded:

(i) in the record of proceedings of the governing body; and

(ii) in the records of the corporation.

(c) (1) Subject to the provisions of paragraphs (2) and (3) of this subsection, a corporation may enter into an agreement with an owner of any interest in property to obtain:

(i) land necessary for:

1. a bridge abutment;

2. digging, building, and maintaining a canal; or

3. a road or highway to approach a bridge or canal; or

(ii) earth or stone for building of:

1. a bridge or canal;

2. a road or highway that approaches a bridge or canal; or

3. a terminal, dock, or wharf.

(2) A person shall convey an interest in property to a corporation under paragraph (1) of this subsection by deed properly executed and recorded.

(3) A corporation may obtain property under paragraph (1) of this subsection by condemnation under the provisions of Title 12 of the Real Property Article if:

(i) the corporation and the property owner fail to agree on the conveyance of the property;

(ii) the property owner lacks capacity to contract to convey the property; or

(iii) the property owner is absent from the State.

(d) (1) On completion of the building of a bridge or canal, the corporation shall report the completion to the governing body of the county:

(i) in writing; and

(ii) under the oath or affirmation of the corporation's president or vice president.

(2) (i) After notification by the corporation, the governing body shall appoint three persons to examine the bridge or canal.

(ii) The persons shall report to the governing body on whether the bridge has been built in a substantial and durable manner that will promote public convenience.

(iii) The governing body shall review the report and shall ratify or reject the report.

(iv) The governing body may also appoint other persons to report on whether the bridge has been built in a substantial and durable manner that will promote public convenience.

§12–701.

(a) In this section, "Act" means the federal Watershed Protection and Flood Prevention Act.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may:

(1) carry out, construct, operate, and maintain any works of improvement in watershed or subwatershed areas qualifying for federal assistance under the Act for:

(i) flood prevention; or

(ii) the conservation, development, use, and disposal of water;

(2) satisfy the conditions for federal assistance required under the Act;

(3) accept federal grants and technical assistance in accordance with the Act;

(4) (i) borrow federal money in accordance with the Act for works of improvement identified under item (1) of this subsection; and

(ii) notwithstanding any public general law or public local law, evidence the borrowing by issuing instruments that are acceptable to the United States or any of its agencies; and

(5) borrow money from private lending institutions and evidence the borrowing by issuing instruments in accordance with Title 19, Subtitle 2 of this article, the county charter, or local laws.

§12–801.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may determine the allowance provided to the county sheriff or other person for housing inmates confined in the local correctional facility.

§12–802.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Charles County;

(6) Howard County;

(7) Prince George's County;

(8) Queen Anne's County;

(9) Wicomico County; and

(10) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may:

(1) provide for the appointment of the county police;

(2) establish the duties of the county police;

(3) set the compensation of the county police; and

(4) appoint a special commission or commissioner to be in charge of the county police.

§12–803.

The County Commissioners of Caroline County may provide money to the State's Attorney for Caroline County for special investigations or cases.

§12–804.

Except as provided in §§ 12–538(f), 12–618(d), and 13–703(c) of this article and Title 11, Subtitle 2 and § 9–1607 of the Land Use Article, and notwithstanding any other provision of law to the contrary, the County Commissioners of St. Mary's County may provide that:

(1) a violation of an ordinance or resolution is punishable as a misdemeanor and enforced in the same manner and to the same extent as a violation under § 6–101 of this article; and

(2) a violation of an ordinance shall be prosecuted in the same manner and to the same extent as provided for a municipal infraction under Title 6 of this article.

§12–805.

(a) A person may not establish, maintain, or operate a labor camp for groups of 25 or more workers outside the limits of any municipality in Dorchester County unless the person obtains a permit under subsection (b) of this section.

(b) (1) The County Council of Dorchester County may issue a permit to a person as provided in the rules and regulations adopted by the county council.

(2) After notice to the person who holds a permit and an opportunity for a hearing, the county council may revoke a permit for cause.

(c) (1) A person who violates this section or a rule or regulation of the County Council of Dorchester County adopted under this section is subject to a fine not exceeding $500 for each offense.

(2) A labor camp established, operated, or maintained in violation of this section or a rule or regulation of the county adopted under this section may be abated as a nuisance.

§12–806.

(a) (1) In this section the following words have the meanings indicated.

(2) "Alarm system contractor" means a person who installs, maintains, monitors, alters, or services an alarm system.

(3) (i) "Alarm user" means a person in control of an alarm system in, on, or around any building, structure, facility, or site.

(ii) "Alarm user" includes the owner or lessee of an alarm system.

(4) (i) "False alarm" means any request for immediate assistance by a law enforcement agency or fire department or, in Washington County, an emergency services agency, regardless of cause, that is not in response to an actual emergency situation or threatened or suggested criminal activity.

(ii) "False alarm" includes:

1. a negligently or accidentally activated signal;

2. a signal that is the result of faulty, malfunctioning, or improperly installed or maintained equipment;

3. a signal that is purposely activated to summon a law enforcement agency or fire department or, in Washington County, an emergency services agency, in a nonemergency situation;

4. the second and any later signal from an alarm system that is activated two or more times in a 12–hour period when the premises are unoccupied if access to the building is provided to an alarm system contractor and an alarm system contractor responds; and

5. the third or any later signal from an alarm system that is activated two or more times in a 12–hour period when the premises are unoccupied if access to the building is not provided to an alarm system contractor and an alarm system contractor does not respond.

(iii) "False alarm" does not include:

1. a signal activated by unusually severe weather conditions or other causes beyond the control of the alarm user or alarm system contractor; or

2. a signal activated during the initial 60–day period following

new installation.

(b) This section applies only to Calvert County, Frederick County, and Washington County.

(c) (1) The 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.

(2) The County Commissioners of Washington County may adopt regulations to establish fees for registering an alarm system contractor or alarm user.

§12–901.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County; and

(7) Queen Anne's County.

(b) (1) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this subsection.

(2) The governing body of a county may provide, maintain, and operate community, social, and recreational services that promote the health and welfare of county residents.

(c) The County Commissioners of Worcester County may provide, maintain, and operate community, social, and recreational services and projects that promote the health, welfare, and economic development of county residents.

§12–902.

(a) In this section, "agreement" means an agreement to purchase development rights authorized under this section.

(b) This section applies only in:

(1) Anne Arundel County;

(2) Baltimore County;

(3) Carroll County;

(4) Howard County; and

(5) Prince George's County.

(c) A county may enter into an agreement to purchase development rights.

(d) Except as otherwise provided in this section, a county may determine, by resolution, the provisions, terms, conditions, and duration of an agreement.

(e) A payment obligation in an agreement:

(1) is a general obligation of the county to which its full faith and credit and unlimited taxing power is pledged; and

(2) is not subject to annual appropriation by the county.

(f) A county may undertake a payment obligation in an agreement:

(1) without regard to any limitations contained in its charter or other

public local law or public general law; and

(2) without complying with any procedures contained in its charter or other public local law or public general law.

(g) The exercise of the authority granted in this section to enter into an agreement with a payment obligation for a term of years constitutes the exercise of borrowing authority.

(h) An agreement, the transfer or assignment of the agreement, and any payment required by the agreement are exempt from taxation by the State or any county, municipality, or public agency.

§12–903.

(a) This section applies to all counties, except Baltimore City.

(b) The governing body of a county may adopt rules and regulations to establish and provide for payment of bounties for the killing of:

(1) crows;

(2) foxes;

(3) hawks;

(4) minks;

(5) owls;

(6) wildcats; and

(7) other similar destructive and harmful wild animals or birds.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates a regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

(2) In Calvert County, a person who violates a regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§13–101.

Except as otherwise provided in this part, this part applies to all counties except Baltimore City.

§13–102.

(a) This section does not apply in Washington County.

(b) (1) The governing body of a county may adopt rules and regulations for:

(i) sales of dog licenses;

(ii) keeping records of dog licenses; and

(iii) enforcing this subtitle.

(2) Subject to paragraph (3) of this subsection, the governing body may delegate, by written contract, the enforcement and administration of this subtitle to any organization or municipality in the county.

(3) (i) The governing body shall reserve the right to cancel a written contract executed in accordance with paragraph (2) of this subsection.

(ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or

2. requires notice at least 30 days before cancellation, if the cancellation is without cause.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, the sheriff or a deputy authorized by the sheriff:

(i) shall enforce this subtitle; and

(ii) may issue a summons to a person who violates a provision of this subtitle.

(2) In Garrett County, the animal control officer shall enforce this subtitle.

(3) In Calvert County:

(i) this subtitle shall be enforced by:

1. the sheriff or any deputy authorized by the sheriff; or

2. an animal control officer appointed by the county commissioners or the county commissioner's designee; and

(ii) the sheriff, a deputy authorized by the sheriff, or an animal control officer may issue a summons to any person violating a provision of this subtitle.

(4) The governing body of a county shall pay the actual expenses in enforcing this subtitle, including paying the salary of a deputy appointed for that purpose.

§13–103.

(a) This section does not apply in Washington County.

(b) The governing body of a county may pay the county tax collector additional compensation for the duties imposed by this subtitle.

§13–104.

(a) In this section, "service dog" means a dog that is professionally trained to aid individuals who are:

(1) blind or visually impaired;

(2) deaf or hard of hearing; or

(3) mobility impaired.

(b) If an application meets the requirements of subsection (c) of this section and the local licensing agency is satisfied that the dog for which a license is sought is a service dog and is actually in use as a service dog:

(1) the dog owner is not required to pay a fee for issuance of the license; and

(2) the local licensing agency shall inscribe across the face of the license in red ink the words "service dog".

(c) (1) An application for a license for a service dog shall be accompanied by an affidavit from the owner stating that:

(i) the dog for which the license is sought has been professionally trained as a service dog; and

(ii) the owner is aware that the owner may be liable, under § 7–705 of the Human Services Article, for damages caused by the service dog to premises or facilities.

(2) The local licensing agency in each county shall make forms available for affidavits required under this subsection.

(d) (1) In addition to any tag issued under Part II of this subtitle, the local licensing agency shall issue a tag for a service dog.

(2) A service dog tag shall:

(i) be orange;

(ii) be labeled "service dog"; and

(iii) indicate that it is issued by the State.

(3) In accordance with § 4–316 of the State Finance and Procurement Article, the Department of General Services shall purchase the service dog tags and make them available to the counties on reimbursement for the cost of the tags.

§13–105.

(a) Regardless of whether the dog bears the proper license tag required under this subtitle, a person may kill a dog that the person sees in the act of:

(1) pursuing, attacking, wounding, or killing poultry or livestock; or

(2) attacking a human being.

(b) A person who kills a dog under the circumstances described in subsection (a) of this section is immune from any civil liability or criminal penalty for the killing.

(c) (1) (i) The governing body of a county, by local law or ordinance, may provide for the compensation of a person whose poultry or livestock is destroyed or injured by a dog.

(ii) A local law or ordinance enacted under this section may require the sheriff of the county, a county official, or other person to:

1. appraise the damages sustained by the owner of the poultry or livestock that was destroyed or injured; and

2. report the findings to the governing body of the county.

(2) (i) If the owner of the dog cannot be determined, the governing body may compensate the owner of the poultry or livestock that was destroyed or injured, in accordance with the appraisal, from:

1. the dog license fund established under subsection (d) of this section; or

2. the county general fund.

(ii) A sworn report of the appraiser is prima facie evidence of the fairness of damages in each instance.

(iii) If the governing body determines the amount of the appraisal to be unfair, the governing body may award compensation in an amount that the governing body determines to be fair.

(3) (i) If the owner of the dog is known, the governing body shall direct the owner to euthanize the dog immediately.

(ii) If the owner refuses or neglects to euthanize the dog after being directed to do so by the governing body:

1. the owner is liable for damages to the same extent that the owner would be liable in a case of negligence or malicious destruction of property; and

2. the governing body may direct special officers to euthanize the dog.

(4) If the governing body does not adopt a local law or ordinance under this subsection, the county is not required to compensate a person for poultry or livestock destroyed or injured by a dog.

(d) (1) (i) The tax collector shall credit dog license fees to:

1. a separate fund; or

2. the county general fund.

(ii) The dog license fees may be used:

1. to pay damages for the injury and killing of poultry or other livestock in the county, in accordance with procedures set forth in a local law or ordinance adopted under subsection (c) of this section; and

2. as otherwise provided in this subtitle.

(2) (i) If the governing body enacts a local law or ordinance under subsection (c) of this section, claims shall be paid in the order in which the claims are filed and proved.

(ii) A person whose claim is not paid in a particular year due to lack of money available to satisfy the claim shall be paid out of the first money that subsequently becomes available.

(iii) A claim that is filed and proved, but remains unpaid, shall have preference over any subsequent claim.

(3) The governing body may spend any funds in excess of $1,000 remaining in a dog license fund after the payment of claims for any public purpose determined by the governing body to be appropriate.

§13–106.

The governing body of a county may contract with a person for the removal, care, and disposition of unlicensed dogs or licensed dogs that may be a menace to safety,

security, and property.

§13–107.

(a) This section does not apply in Somerset County.

(b) A lawfully licensed dog whose ownership can be proved is personal property.

§13–108.

(a) This section applies to all counties, including Baltimore City.

(b) Notwithstanding any other provisions of this subtitle, a person shall obtain a kennel license from the local licensing agency if the person:

(1) owns or has custody of 15 or more unspayed female dogs over the age of 6 months kept for the purpose of breeding the dogs and selling their offspring; and

(2) sells dogs from six or more litters in a year.

(c) (1) Each local licensing agency shall collect and maintain a record of the following information for each kennel license issued in the county:

(i) name of the licensee;

(ii) address of the licensee;

(iii) number of dogs maintained by the licensee; and

(iv) number of puppies sold by the licensee in the preceding year.

(2) On or before January 15 of each year, each local licensing agency shall report to the Department of Labor, Licensing, and Regulation the information collected under this subsection for the preceding year.

(d) The governing body of a county may establish additional kennel license fees to cover the cost of collecting, maintaining, and submitting the records and reports required under subsection (c) of this section.

(e) This section may not be construed to prohibit the governing body of a county from enacting more stringent kennel licensing ordinances.

§13–109.

(a) This section does not apply in Garrett County or Washington County.

(b) (1) Except as otherwise provided in this subtitle and paragraph (2) of this subsection, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine of not less than

$5 and not exceeding $25 or both.

(2) Except as otherwise provided in this subtitle, in Calvert County, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine of $50 or both.

§13–112.

(a) (1) In Allegany County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay a fee of:

(i) $1 for a license for a male or spayed female dog;

(ii) $2 for a license for an unspayed female dog;

(iii) $10 for a kennel license for a person owning or keeping 25 or fewer dogs; or

(iv) $20 for a kennel license for a person owning or keeping more than 25 dogs.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The County Commissioners of Allegany County shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(b) (1) In Allegany County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The County Commissioners of Allegany County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(c) (1) The County Commissioners of Allegany County may pass rules, regulations, or resolutions to provide for:

(i) issuing dog licenses;

(ii) keeping records of all sales of licenses;

(iii) designating persons authorized to sell licenses; and

(iv) seizing and disposing of dogs found running at large in the county.

(2) Before the county commissioners pass a rule, regulation, or resolution in accordance with this subsection, the proposed rule, regulation, or resolution shall be advertised in a newspaper of general circulation in the county once each week for 4 successive weeks, to provide any person an opportunity to be heard.

(3) The rules, regulations, or resolutions shall include standards and operate uniformly.

(4) Subject to paragraph (5) of this subsection, the county commissioners may delegate, by written contract, the enforcement of the rules, regulations, or

resolutions.

(5) (i) The county commissioners shall reserve the right to cancel a written contract executed in accordance with paragraph (4) of this subsection.

(ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or

2. requires notice at least 30 days before cancellation, if the cancellation is without cause.

(d) (1) The County Commissioners of Allegany County may appoint animal control officers.

(2) An animal control officer appointed under this subsection:

(i) has all the powers of a peace officer;

(ii) may sell and issue dog licenses; and

(iii) may seize and dispose of stray, injured, or sick dogs in accordance with a rule, regulation, or resolution passed in accordance with subsection (c) of this section.

(3) The county commissioners may provide for the compensation of an animal control officer appointed under this subsection.

(e) (1) The County Commissioners of Allegany County may contract with an animal welfare society, a humane society, or any other qualified person to:

(i) establish an animal shelter; or

(ii) seize, dispose of, or euthanize stray, injured, or sick dogs.

(2) Notwithstanding § 13–105(d) of this subtitle, the county commissioners may use proceeds from dog license fees to:

(i) establish an animal shelter; or

(ii) collect, dispose of, or euthanize stray, injured, or sick dogs.

§13–113.

(a) (1) In Anne Arundel County, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or

kennel license set by the governing body of Anne Arundel County.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The governing body shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires when the rabies vaccination certificate issued to the dog under § 18–319(a)(3) of the Health – General Article expires.

(b) (1) In Anne Arundel County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The governing body of Anne Arundel County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the expiration date of the license;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The general shape of the tags may remain unchanged from year to year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

§13–114.

(a) (1) In Baltimore County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay a fee of:

(i) $1 for a license for a male or spayed female dog;

(ii) $2 for a license for an unspayed female dog;

(iii) $10 for a kennel license for a person owning or keeping 25 or fewer dogs; or

(iv) $20 for a kennel license for a person owning or keeping more than 25 dogs.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The governing body of Baltimore County shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(b) (1) In Baltimore County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The governing body of Baltimore County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The governing body shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

§13–115.

(a) (1) The County Commissioners of Calvert County shall set the fees for dog licenses in Calvert County.

(2) Before establishing or altering a license fee, the county commissioners shall advertise the proposed fee for 2 successive weeks in at least two newspapers of general circulation in the county.

(3) A license expires 1, 2, or 3 years after the date of issue, as specified by county law.

(b) (1) In Calvert County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The County Commissioners of Calvert County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 2 inches or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 50 cents.

(c) (1) The County Commissioners of Calvert County may adopt rules and regulations for:

(i) issuing dog licenses;

(ii) keeping records of dog licenses;

(iii) enforcing the rules and regulations; and

(iv) any other matter concerning dogs the county commissioners consider necessary for the public health, safety, and welfare.

(2) The county commissioners may:

(i) by ordinance, provide for the regulation, humane treatment, and keeping of domestic animals;

(ii) by resolution, provide for the quarantine of all dogs in the county if the county commissioners determine that quarantine is necessary for the public health, safety, and welfare; and

(iii) by ordinance, provide a penalty for a violation of an ordinance enacted under this subsection of imprisonment not exceeding 30 days or a fine not exceeding $1,000 or both.

(3) A fine imposed in accordance with an ordinance enacted under this subsection shall be paid to the Calvert County Treasurer.

(d) (1) The County Commissioners of Calvert County may create an Animal Matters Hearing Board to resolve disputes and controversies arising under animal control ordinances adopted under subsection (c) of this section.

(2) The county commissioners may authorize an Animal Matters Hearing Board to:

(i) issue a subpoena to compel parties in a dispute to appear before the Board;

(ii) assess a civil penalty not exceeding $1,000 for a violation of an ordinance adopted under subsection (c) of this section; and

(iii) collect a civil penalty imposed under this paragraph.

(e) (1) The County Commissioners of Calvert County may construct or lease, operate, and maintain an animal shelter in the county.

(2) The county shall pay for the animal shelter and its operation.

(3) The county commissioners may enter into agreements with adjacent counties to establish an animal shelter to serve the counties.

(f) (1) (i) A dog running at large in Calvert County without the proper license tag attached is a nuisance and is subject to seizure, detention, and euthanasia.

(ii) Whenever possible, the animal control officer or deputy animal control officer shall seize and impound a dog found running at large in the county without the proper license tag attached.

(iii) If an animal control officer or a deputy animal control officer is not able to catch a dog running at large in the county without a proper license tag, the animal control officer or deputy animal control officer may shoot or otherwise kill the dog.

(2) (i) The County Commissioners of Calvert County, by ordinance, may provide that an owner of a dog may not allow the dog, whether licensed or unlicensed, to run at large within a platted subdivision or district zoned residential if:

1. a petition requesting the ordinance is submitted to the county commissioners and signed by a majority of the residents of the platted subdivision or district zoned residential, with a designation of the boundary limits of the specific area; and

2. the county commissioners advertise the proposed ordinance and a public hearing on the ordinance for 2 successive weeks in two newspapers of general circulation in the county.

(ii) The county commissioners shall designate the boundary limits of each area affected as part of any ordinance enacted under this paragraph.

(3) (i) A dog impounded under this section shall be held for its owner for 72 hours.

(ii) A dog shall be released to its owner or an agent of the owner during the 72 hours if the owner or agent:

1. provides satisfactory proof of ownership;

2. pays the fee that the county commissioners set to cover the costs of seizing and impounding the dog; and

3. presents a proper license for the dog.

(4) (i) If a dog impounded under this subsection is not redeemed by its owner within 72 hours:

1. the owner forfeits all rights of ownership to the dog;

2. the dog becomes the property of the county; and

3. the dog shall remain impounded for at least an additional 48 hours.

(ii) During the additional 48 hours, any person may obtain ownership of the dog by paying the fee for the costs of seizing and impounding the dog and by purchasing a license for the dog.

(5) An animal control officer or a deputy animal control officer may euthanize, in the most humane manner possible, a dog impounded under this subsection that is not redeemed within 120 hours from the time of its seizure.

§13–116.

(a) (1) In Caroline County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the county commissioners.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The County Commissioners of Caroline County shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(b) (1) In Caroline County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The County Commissioners of Caroline County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(c) (1) The County Commissioners of Caroline County may adopt rules and regulations by resolution or ordinance to provide for:

(i) issuing dog licenses;

(ii) keeping records of all sales of licenses;

(iii) designating persons authorized to sell licenses; and

(iv) seizing and disposing of dogs found running at large in the county.

(2) Before the county commissioners adopt a rule or regulation in accordance with this subsection, a summary of the proposed rule or regulation shall be advertised in a newspaper of general circulation in the county once each week for 2 successive weeks, to provide any person an opportunity to be heard.

(3) The rules and regulations shall include standards and operate uniformly.

(4) Subject to paragraph (5) of this subsection, the county commissioners may delegate, by written contract, the enforcement of the rules and regulations.

(5) (i) The county commissioners shall reserve the right to cancel a written contract executed in accordance with paragraph (4) of this subsection.

(ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or

2. requires notice at least 30 days before cancellation, if the cancellation is without cause.

(d) (1) The County Commissioners of Caroline County may appoint animal control officers.

(2) An animal control officer appointed under this subsection:

(i) has all the powers of a peace officer;

(ii) may sell and issue dog licenses; and

(iii) may seize and dispose of stray, injured, unlicensed, diseased, or vicious dogs in accordance with rules and regulations of the county commissioners.

(3) The county commissioners may provide for the compensation of an animal control officer appointed under this subsection.

(e) (1) The County Commissioners of Caroline County may provide animal shelters where dogs seized by an animal control officer may be placed.

(2) The county commissioners may enter into agreements with adjacent counties to establish an animal shelter to serve the counties.

(3) Notwithstanding § 13–105(d) of this subtitle, the county commissioners may use the proceeds from dog license fees to:

(i) establish and maintain an animal shelter; and

(ii) collect, care for, or euthanize dogs.

§13–117.

(a) (1) The County Commissioners of Carroll County, by ordinance, may provide for a comprehensive system for the regulation of domestic animals and wild animals kept in captivity.

(2) The ordinances may provide for:

(i) the licensing and control of domestic animals and wild animals kept in captivity;

(ii) seizing and disposing of unlicensed or dangerous dogs;

(iii) the regulation of persons who own or keep any vicious animal or an animal that disturbs the peace of a neighborhood; and

(iv) reasonable penalties for a violation of an ordinance not exceeding imprisonment for 30 days or a fine of $500 or both.

(3) The county commissioners:

(i) may regulate animals that are hybrids of domestic and wild animals; but

(ii) may not regulate or control wild animals that are not owned or kept by individuals.

(b) (1) The County Commissioners of Carroll County may pass rules, regulations, or resolutions to provide for:

(i) issuing dog licenses;

(ii) keeping records of all sales of licenses;

(iii) designating persons authorized to sell licenses; and

(iv) seizing and disposing of any dogs found running at large in the county.

(2) Before the county commissioners pass a rule, regulation, or resolution in accordance with this subsection, the proposed rule, regulation, or resolution shall be advertised in a newspaper of general circulation in the county once each week for 4 successive weeks, to provide any person an opportunity to be heard.

(3) The rules, regulations, or resolutions shall include standards and operate uniformly.

(4) Subject to paragraph (5) of this subsection, the county commissioners may delegate, by written contract, the enforcement of the rules, regulations, and resolutions.

(5) (i) The county commissioners shall reserve the right to cancel a written contract executed in accordance with paragraph (4) of this subsection.

(ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or

2. requires notice at least 30 days before cancellation, if the cancellation is without cause.

(c) The County Commissioners of Carroll County shall set the fees, terms, and forms for dog and kennel licenses in accordance with subsection (a) of this section.

(d) (1) The County Commissioners of Carroll County may appoint animal control officers.

(2) An animal control officer appointed under this subsection:

(i) has all the powers of a peace officer;

(ii) may sell and issue dog licenses; and

(iii) may seize and dispose of stray, injured, or sick dogs in accordance with a rule, regulation, or resolution passed in accordance with subsection (b) of this section.

(3) The county commissioners may provide for the compensation of an animal control officer appointed under this subsection.

(e) (1) The County Commissioners of Carroll County may contract with an animal welfare society, a humane society, or any other qualified person to:

(i) establish an animal shelter; or

(ii) seize, dispose of, or euthanize stray, injured, or sick dogs.

(2) Notwithstanding the provisions of § 13–105(d) of this subtitle, the county commissioners may use proceeds from dog license fees to:

(i) establish an animal shelter; and

(ii) collect and euthanize stray, injured, or sick dogs.

(f) The County Commissioners of Carroll County may designate persons to assist the county tax collector to collect license fees and issue licenses and tags under this subtitle.

§13–118.

(a) (1) The governing body of Cecil County, by ordinance or resolution, may provide for a comprehensive system for the regulation of domestic animals and wild animals kept in captivity.

(2) The resolution or ordinance may provide for:

(i) the licensing and control of domestic animals and wild animals kept in captivity;

(ii) the establishment of separate domestic animal control districts with separate resolutions or ordinances applicable within each district;

(iii) seizing and disposing of domestic animals found to be dangerous to persons or property;

(iv) the regulation of persons who own or keep any vicious animal or an animal that disturbs the peace of a neighborhood; and

(v) reasonable penalties for a violation of a local law enacted in accordance with this section not exceeding imprisonment for 30 days or a fine not exceeding $500 or both.

(3) The governing body:

(i) may regulate animals that are hybrids of domestic animals and wild animals; but

(ii) may not regulate or control wild animals that are not owned or kept by individuals.

(b) The governing body of Cecil County shall set the fees, terms, and forms for dog and kennel licenses.

(c) (1) In Cecil County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The governing body of Cecil County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The governing body shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(d) (1) In Cecil County, the owner or custodian of a female dog that is in heat:

(i) may not knowingly allow the dog to run at large; and

(ii) shall confine the dog.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25.

(e) (1) In Cecil County, a person may not own or keep a domestic animal that disturbs the peace of a neighborhood or is vicious and bites any individual.

(2) The barking of hunting dogs in pursuit of game is not a disturbance of the peace for the purpose of this subsection.

(3) A person who violates paragraph (1) of this subsection or a court order issued under paragraph (4) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 for each offense.

(4) (i) The District Court in Cecil County shall issue a summons to the

owner or keeper of a domestic animal to appear before the District Court if a sworn complaint is received from a person alleging that the domestic animal:

1. disturbs the peace of a neighborhood in the county; or

2. is vicious and has bitten an individual.

(ii) After a finding that the domestic animal disturbs the peace of a neighborhood or is vicious and has bitten an individual, the District Court may require the owner or keeper to surrender the domestic animal to be euthanized in the most humane manner possible or remove the domestic animal permanently from the neighborhood.

(iii) If the District Court requires the owner or keeper to surrender the domestic animal to be euthanized or removed in accordance with subparagraph (ii) of this paragraph, and the owner or keeper fails to comply, a police officer or an agent of the county shall seize the domestic animal and cause it to be euthanized in the most humane manner possible.

(iv) The District Court may order the domestic animal restrained or issue any other appropriate order.

§13–119.

(a) (1) In Charles County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the County Commissioners of Charles County.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The county commissioners shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(b) (1) In Charles County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The County Commissioners of Charles County shall prepare and

supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(c) (1) If reasonably applicable, this subsection applies to the regulation and control of:

(i) any domestic animal; and

(ii) a wild animal kept in captivity.

(2) The County Commissioners of Charles County may pass rules, regulations, or resolutions to provide for:

(i) issuing dog licenses;

(ii) keeping records of all sales of licenses;

(iii) designating persons authorized to sell licenses; and

(iv) seizing and disposing of dogs found running at large in the county.

(3) Before the county commissioners pass a rule, regulation, or resolution in accordance with this subsection, the proposed rule, regulation, or resolution shall be advertised in a newspaper of general circulation in the county once each week for 4 successive weeks, to provide any person an opportunity to be heard.

(4) The rules, regulations, or resolutions shall include standards and shall operate uniformly.

(5) Subject to paragraph (6) of this subsection, the county commissioners may delegate, by written contract, the enforcement of the rules, regulations, or resolutions.

(6) (i) The county commissioners shall reserve the right to cancel a written contract executed in accordance with paragraph (5) of this subsection.

(ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or

2. requires notice at least 30 days before cancellation, if the cancellation is without cause.

(7) (i) The county commissioners may establish penalties for a violation of a rule, regulation, or resolution passed under this subsection.

(ii) The penalty established under this paragraph for each violation may not exceed imprisonment for 1 year or a fine of $1,000 or both.

(d) (1) The County Commissioners of Charles County may appoint animal control officers.

(2) An animal control officer appointed under this subsection:

(i) has all the powers of a peace officer;

(ii) may sell and issue dog licenses; and

(iii) may seize and dispose of stray, injured, or sick dogs in accordance with a rule, regulation, or resolution passed in accordance with subsection (c) of this section.

(3) The county commissioners may provide for the compensation of an animal control officer appointed under this subsection.

(e) (1) (i) The County Commissioners of Charles County may establish an animal shelter and hire personnel and provide the equipment necessary for the collection, impoundment, care, handling, and disposal of stray, unlicensed, diseased, or vicious dogs.

(ii) The initial cost for the building and equipment under this paragraph may not exceed $35,000.

(2) The county commissioners shall determine the number and salary of persons to be employed at the animal shelter.

(3) The county commissioners may enter into agreements with adjacent counties to establish an animal shelter to serve the counties.

(4) The county commissioners may contract with an animal welfare society, a humane society, or any other qualified person to:

(i) establish an animal shelter; or

(ii) seize, dispose of, or euthanize stray, injured, or sick dogs.

(5) Notwithstanding § 13–105(d) of this subtitle, the county commissioners may use proceeds from dog license fees to:

(i) establish an animal shelter; or

(ii) collect, dispose of, or euthanize stray, injured, or sick dogs.

(f) (1) The County Commissioners of Charles County, by rule, regulation, or resolution, may provide that an owner of a dog may not allow the dog, whether licensed or unlicensed, to run at large off the premises of the owner.

(2) A rule, regulation, or resolution passed under this subsection may allow the following dogs to run at large when accompanied by the owner or agent of the owner and when kept within sight or calling distance of the owner or agent:

(i) dogs proved to be obedient, in accordance with a regulation or resolution of the county;

(ii) dogs being used or trained for hunting; and

(iii) dogs accompanied by the owner on horseback.

(3) The county commissioners, by rule, regulation, or resolution, may provide for enforcement and investigation of reports of violations of a rule, regulation, or resolution passed under this subsection.

(4) An owner of a dog who fails to comply with a rule, regulation, or resolution passed under this subsection is guilty of a misdemeanor and on conviction

is subject to a fine not exceeding $25 for each violation.

§13–120.

(a) (1) The governing body of Dorchester County, by ordinance, may provide for a comprehensive system for the regulation of dogs and cats.

(2) The ordinance may provide for:

(i) the licensing and control of dogs and cats;

(ii) seizing and disposing of unlicensed or dangerous dogs and cats; and

(iii) civil or criminal penalties for a violation of an ordinance enacted in accordance with this section.

(3) The governing body may provide that a violation of an ordinance relating to dogs and cats shall be prosecuted in the same manner as provided for municipal infractions under Title 6 of this article.

(b) (1) In Dorchester County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay a fee of:

(i) $1 for a license for a male or spayed female dog;

(ii) $2 for a license for an unspayed female dog;

(iii) $10 for a kennel license for a person owning or keeping 25 or fewer dogs; or

(iv) $20 for a kennel license for a person owning or keeping more than 25 dogs.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The governing body of Dorchester County shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(c) (1) In Dorchester County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The governing body of Dorchester County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (b) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The governing body shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(d) (1) In Dorchester County, the owner or custodian of a female dog that is in heat:

(i) may not knowingly allow the dog to run at large; and

(ii) shall confine the dog.

(2) A person who violates this subsection is guilty of a misdemeanor and

on conviction is subject to a fine not exceeding $25.

§13–121.

(a) (1) The 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 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 governing body of Frederick County may 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 governing body passes an ordinance in accordance with this subsection, the proposed 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 ordinance shall include standards and operate uniformly.

(4) Subject to paragraph (5) of this subsection, the governing body may delegate, by written contract, the enforcement of the ordinance.

(5) (i) The 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 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.

(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 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 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 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) 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 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.

§13–122.

(a) (1) The County Commissioners of Garrett County, by ordinance, may provide for a comprehensive system for the regulation of dogs and cats.

(2) The ordinance may provide for:

(i) the licensing and control of dogs and cats;

(ii) seizing and disposing of unlicensed or dangerous dogs and cats; and

(iii) civil or criminal penalties for a violation of an ordinance enacted in accordance with this section.

(3) The county commissioners may provide that a violation of an ordinance relating to dogs and cats shall be prosecuted in the same manner as provided for municipal infractions under Title 6 of this article.

(b) (1) In Garrett County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the County Commissioners of Garrett County.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The county commissioners shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(c) (1) In Garrett County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The County Commissioners of Garrett County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (b) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(d) (1) The County Commissioners of Garrett County may designate a regular or contract employee to provide animal control services.

(2) The county commissioners may adopt an animal control ordinance for:

(i) licensing dogs, kennels, and pet shops;

(ii) controlling rabid animals; and

(iii) disposing of uncontrolled, vicious, or sick animals.

(3) The county commissioners may adopt an animal control ordinance to designate a private agency or unit of county government to:

(i) enforce the ordinance adopted under paragraph (2) of this subsection;

(ii) maintain records regarding the licensing, impounding, and disposing of animals coming into the custody of the private agency or unit of county

government; and

(iii) enter into contracts or agreements to provide for the disposal of animals.

(4) The county commissioners may adopt an animal control ordinance to provide for the designation of animal control shelters in the county.

(5) (i) An animal control officer in Garrett County may issue and deliver a citation to a person believed to be committing a violation of an animal control ordinance.

(ii) 1. The animal control officer shall keep a copy of the citation.

2. The citation shall bear a certification attesting to the truth of the matters set forth in the citation.

(iii) The citation shall contain:

1. the name and address of the person charged;

2. the nature of the violation;

3. the location and time of the violation;

4. the amount of the fine;

5. the manner, location, and time in which the fine may be paid; and

6. a notice of the person's right to elect to stand trial for the violation.

(6) (i) The county commissioners may adopt an animal control ordinance to create a quasi–judicial animal control authority for the county to hold public hearings to decide citations, complaints, and other controversies arising under the animal control ordinance, other than those filed with the District Court.

(ii) Hearings held under this subsection are subject to the right of a party to file a petition for judicial review in the circuit court.

(iii) The county commissioners may adopt rules and regulations to govern hearings held under this subsection.

(7) (i) A person who receives a citation under this section may elect to stand trial for the violation by filing with the animal control officer a notice of intention to stand trial at least 5 days before the date set forth in the citation for the payment of fines.

(ii) After receiving a notice of intention to stand trial, the animal control officer shall forward the notice to the District Court, with a copy of the citation.

(iii) After receiving the citation and notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(iv) All fines, penalties, or forfeitures collected by the District Court for violations of an ordinance adopted under this section shall be remitted to Garrett County.

(v) In a proceeding before the District Court, a violation of an ordinance adopted under this section shall be prosecuted in the same manner as a municipal infraction under Title 6 of this article.

(vi) The county commissioners may authorize the County Attorney, the State's Attorney, or another attorney to prosecute a violation of an ordinance adopted under this section.

(vii) If the District Court finds that a person has committed a violation of an ordinance adopted under this section, the person is liable for the costs of the court proceedings.

(8) (i) The county commissioners may adopt an animal control ordinance to provide that each violation of an ordinance adopted under this section is a misdemeanor and on conviction a person is subject to imprisonment not exceeding 30 days or a fine not exceeding $1,000 or both.

(ii) The county commissioners may:

1. establish a schedule of additional fines for each violation; and

2. adopt procedures for the collection of fines.

(iii) 1. If a person who receives a citation under this section for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a notice of the violation shall be sent to the person's last known address.

2. If the citation is not satisfied within 15 days after the date the notice of violation is mailed, the person is subject to an additional fine not exceeding twice the amount of the original fine.

3. If the person who receives the citation does not pay the citation by the 36th day after the notice of violation is mailed, the animal control officer may request the District Court to adjudicate the violation.

4. After the animal control officer requests adjudication, the

District Court shall schedule the case for trial and summon the defendant to appear.

§13–123.

(a) (1) The governing body of Harford County, by resolution or ordinance, may provide for a comprehensive system for the regulation of dogs.

(2) The resolution or ordinance may provide for:

(i) the licensing and control of dogs;

(ii) the establishment of separate dog control districts with separate resolutions or ordinances applicable solely within each district;

(iii) seizing and disposing of dogs found to be dangerous to persons and property; and

(iv) reasonable penalties for a violation of a resolution or ordinance enacted in accordance with this section.

(b) (1) In Harford County, on or before December 31 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay a fee of:

(i) $1 for a license for a male or spayed female dog;

(ii) $3 for a license for an unspayed female dog;

(iii) $10 for a kennel license for a person owning or keeping 25 or fewer dogs; or

(iv) $20 for a kennel license for a person owning or keeping more than 25 dogs.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and taxes required for owning or keeping a dog.

(4) The governing body of Harford County shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on December 31 of the year after issuance.

(c) (1) In Harford County, the county tax collector shall issue a tag with each

dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The governing body of Harford County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (b) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The governing body shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(d) (1) In Harford County, a person may not own or keep a dog that disturbs the peace of a neighborhood or is vicious and bites any individual.

(2) The barking of a hunting dog in pursuit of game is not a disturbance of the peace for the purpose of this subsection.

(3) A person who violates paragraph (1) of this subsection or a court order issued under paragraph (4) of this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25 for each offense.

(4) (i) The District Court in Harford County shall issue a summons to the owner or keeper of a dog to appear before the District Court if a sworn complaint is received from a person alleging that the dog:

1. disturbs the peace of a neighborhood in the county; or

2. is vicious and has bitten an individual.

(ii) After a finding that the dog disturbs the peace of a neighborhood or is vicious and has bitten an individual, the District Court may require the owner or keeper to surrender the dog to be euthanized in the most humane manner possible or remove the dog permanently from the neighborhood.

(iii) If the District Court requires the owner or keeper to surrender the dog to be euthanized or removed in accordance with subparagraph (ii) of this paragraph, and the owner or keeper fails to comply, a police officer or an agent of the county shall seize the dog and cause it to be euthanized in the most humane manner possible.

(iv) The District Court may order the dog restrained or issue any other appropriate order.

(e) (1) In Harford County, the owner of a female dog that is in heat may not allow the dog to be outdoors either loose or on a leash.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine of $25; and

(ii) for each subsequent violation, a fine of not less than $100 and not exceeding $200.

(f) The governing body of Harford County may designate persons to assist the county tax collector to collect license fees and issue licenses and tags under this subtitle.

(g) In Harford County, a law enforcement officer who witnesses a violation of a resolution or an ordinance enacted in accordance with this section may issue a citation for that violation and bring the violator before the District Court in Harford County.

§13–124.

(a) (1) In Howard County, the County Executive, with the approval of the county council, sets the fees for dog and kennel licenses.

(2) A dog license expires as specified by local law.

(b) (1) In Howard County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee

for the dog.

(2) The governing body of Howard County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The governing body shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(c) The County Council of Howard County, by law, shall designate a unit to administer and enforce the laws relating to dog licenses.

(d) (1) In Howard County, the owner or custodian of a female dog that is in heat shall:

(i) adequately and securely confine the dog;

(ii) prevent the dog from contacting roaming dogs; and

(iii) protect the dog from other dogs that are attracted to the premises.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine of not less than $10 and not exceeding $50.

§13–125.

(a) (1) The County Commissioners of Kent County, by resolution, may provide

for a comprehensive system for the regulation of dogs.

(2) The resolution may provide for:

(i) the licensing and control of dogs;

(ii) seizing and disposing of unlicensed or dangerous dogs; and

(iii) reasonable penalties for a violation of a resolution enacted in accordance with this section.

(b) (1) In Kent County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the County Commissioners of Kent County.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The county commissioners shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(c) (1) In Kent County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the owner pays the license fee for the dog.

(2) The County Commissioners of Kent County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (b) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

§13–126.

(a) (1) In Montgomery County, the County Executive shall set the fees for dog licenses.

(2) A license expires when a rabies vaccination certification issued to the dog under § 18–319(a)(3) of the Health – General Article expires.

(b) (1) In Montgomery County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The governing body of Montgomery County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The governing body shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

§13–127.

(a) (1) In Prince George's County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay a fee of:

(i) $1 for a license for a male or spayed female dog;

(ii) $2 for a license for an unspayed female dog;

(iii) $10 for a kennel license for a person owning or keeping 25 or fewer dogs; or

(iv) $20 for a kennel license for a person owning or keeping more than 25 dogs.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The governing body of Prince George's County shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(b) (1) In Prince George's County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The governing body of Prince George's County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The governing body shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

§13–128.

(a) The County Commissioners of Queen Anne's County may adopt and enforce a comprehensive animal control ordinance.

(b) (1) In Queen Anne's County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay a fee of:

(i) $1 for a license for a male or spayed female dog;

(ii) $2 for a license for an unspayed female dog;

(iii) $10 for a kennel license for a person owning or keeping 25 or fewer dogs; or

(iv) $20 for a kennel license for a person owning or keeping more than 25 dogs.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The County Commissioners of Queen Anne's County shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(c) (1) In Queen Anne's County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The County Commissioners of Queen Anne's County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (b) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

§13–129.

(a) (1) In St. Mary's County, on or before June 30 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the County Commissioners of St. Mary's County.

(3) (i) The county commissioners shall appoint agents to collect dog and kennel license fees that are not paid by August 1 of each year.

(ii) A penalty of $1.00 per license shall be assessed against dog owners whose dog or kennel license fees are not paid by August 1 each year.

(4) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section shall be the only licenses and fees required for owning or keeping a dog.

(5) The county commissioners shall prepare and supply the form for a license issued under this subsection.

(6) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(7) A license expires on June 30 of the year after issuance.

(b) (1) In St. Mary's County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The County Commissioners of St. Mary's County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on

the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(c) (1) If reasonably applicable, this subsection applies to the regulation and control of:

(i) any domestic animal; and

(ii) a wild animal kept in captivity.

(2) The County Commissioners of St. Mary's County may pass rules, regulations, or resolutions to provide for:

(i) issuing dog licenses;

(ii) keeping records of all sales of licenses;

(iii) designating persons authorized to sell licenses; and

(iv) seizing and disposing of dogs found running at large in the county.

(3) Before the county commissioners pass a rule, regulation, or resolution

in accordance with this subsection, the proposed rule, regulation, or resolution shall be advertised in a newspaper of general circulation in the county once each week for 4 successive weeks, to provide any person an opportunity to be heard.

(4) The rules, regulations, or resolutions shall include standards and shall operate uniformly.

(5) Subject to paragraph (6) of this subsection, the county commissioners may delegate, by written contract, the enforcement of the rules, regulations, or resolutions.

(6) (i) The county commissioners shall reserve the right to cancel a written contract executed in accordance with paragraph (5) of this subsection.

(ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or

2. requires at least 30 days' notice before cancellation, if the cancellation is without cause.

(7) (i) The county commissioners may establish penalties for a violation of a rule, regulation, or resolution passed under this subsection.

(ii) The penalty for each violation may not exceed imprisonment for 1 year or a fine of $1,000 or both.

(d) (1) The County Commissioners of St. Mary's County may employ an animal control officer.

(2) The county shall determine the annual salary of the animal control officer employed under this section.

(3) An animal control officer employed under this section:

(i) has all the powers of a peace officer; and

(ii) shall seize and dispose of unlicensed dogs as prescribed by the county commissioners.

(e) (1) The County Commissioners of St. Mary's County may provide an animal shelter for the placement of dogs seized by animal control officers.

(2) The county commissioners may enter into agreements with adjacent counties to establish an animal shelter to serve the counties.

(3) The county commissioners may contract with an animal welfare society, a humane society, or any other qualified person to:

(i) establish an animal shelter; or

(ii) seize, dispose of, or euthanize stray, injured, or sick dogs.

(4) (i) The County Commissioners of St. Mary's County may pay any expenses arising from the operation of this subsection.

(ii) Notwithstanding § 13–105(d) of this subtitle, the county commissioners may use proceeds from dog license fees to:

1. establish an animal shelter; or

2. collect, dispose of, or euthanize stray, injured, or sick dogs.

(f) (1) The County Commissioners of St. Mary's County, by rule, regulation, or resolution, may provide that an owner of a dog may not allow the dog, whether licensed or unlicensed, to run at large off the premises of the owner.

(2) A rule, regulation, or resolution passed under this subsection may allow the following dogs to run at large when accompanied by the owner or agent of the owner and when kept within sight or calling distance of the owner or agent:

(i) dogs proved to be obedient, in accordance with rule, regulation, or resolution of the county;

(ii) dogs being used or trained for hunting; and

(iii) dogs accompanied by the owner on horseback.

(3) The county commissioners, by rule, regulation, or resolution, may provide for enforcement and investigation of reports of violations of a rule, regulation, or resolution passed under this subsection.

(4) An owner of a dog who fails to comply with a rule, regulation, or resolution passed under this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25 for each violation.

(g) (1) In St. Mary's County, the owner or custodian of a female dog that is in heat shall:

(i) adequately and securely confine the dog;

(ii) prevent the dog from contacting roaming dogs; and

(iii) protect the dog from other dogs that are attracted to the premises.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine of not less than $10 and not exceeding $50.

§13–130.

(a) (1) The County Commissioners of Somerset County, by ordinance, may provide for a comprehensive system for the regulation of dogs and cats.

(2) The ordinance may provide for:

(i) the licensing and control of dogs and cats;

(ii) seizing and disposing of unlicensed or dangerous dogs and cats; and

(iii) civil or criminal penalties for a violation of an ordinance enacted in accordance with this section.

(3) The county commissioners may provide that a violation of an ordinance relating to dogs and cats shall be prosecuted in the same manner as provided for municipal infractions under Title 6 of this article.

(b) (1) In Somerset County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay a fee of:

(i) $1 for a license for a male or spayed female dog;

(ii) $2 for a license for an unspayed female dog;

(iii) $10 for a kennel license for a person owning or keeping 25 or fewer dogs; or

(iv) $20 for a kennel license for a person owning or keeping more than 25 dogs.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The County Commissioners of Somerset County shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(c) (1) In Somerset County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee

for the dog.

(2) The County Commissioners of Somerset County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (b) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

§13–131.

(a) (1) The County Council of Talbot County shall set the fees, terms, and forms for dog and kennel licenses.

(2) A dog license expires as specified by county law.

(b) In Talbot County, a dog tag may be a metal tag or a surgically implanted microchip.

(c) (1) In Talbot County, the owner or custodian of a female dog that is in heat may not knowingly allow the dog to run at large.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25.

§13–132.

(a) The County Commissioners of Washington County may designate a regular or contract employee to provide animal control services.

(b) The County Commissioners of Washington County may adopt an animal control ordinance for:

(1) licensing dogs, kennels, and pet shops;

(2) controlling rabid animals; and

(3) disposing of uncontrolled, vicious, or sick animals.

(c) The County Commissioners of Washington County may adopt an animal control ordinance to designate a private agency or unit of county government to:

(1) enforce the ordinance adopted under subsection (b) of this section;

(2) maintain records regarding the licensing, impounding, and disposing of animals coming into the custody of the private agency or unit of county government; and

(3) enter into contracts or agreements to provide for the disposal of animals.

(d) The County Commissioners of Washington County may adopt an animal control ordinance to provide for the designation of animal control shelters in the county.

(e) (1) An animal control officer in Washington County may issue and deliver a citation to a person believed to be committing a violation of an animal control ordinance.

(2) (i) The animal control officer shall keep a copy of the citation.

(ii) The citation shall bear a certification attesting to the truth of the matters set forth in the citation.

(3) The citation shall contain:

(i) the name and address of the person charged;

(ii) the nature of the violation;

(iii) the location and time of the violation;

(iv) the amount of the fine;

(v) the manner, location, and time in which the fine may be paid; and

(vi) a notice of the person's right to elect to stand trial for the violation.

(f) (1) The County Commissioners of Washington County may adopt an animal control ordinance to create a quasi–judicial animal control authority for the county to hold public hearings to decide citations, complaints, and other controversies arising under the animal control ordinance, other than those filed with the District Court.

(2) Hearings held under this subsection are subject to the right of a party to file a petition for judicial review in the circuit court.

(3) The county commissioners may adopt rules and regulations to govern hearings held under this subsection.

(g) (1) A person who receives a citation under this section may elect to stand trial for the violation by filing with the animal control officer a notice of intention to stand trial at least 5 days before the date set forth in the citation for the payment of fines.

(2) After receiving a notice of intention to stand trial, the animal control officer shall forward the notice to the District Court, with a copy of the citation.

(3) After receiving the citation and notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(4) All fines, penalties, or forfeitures collected by the District Court for violations of an ordinance adopted under this section shall be remitted to Washington County.

(5) In a proceeding before the District Court, a violation of an ordinance adopted under this section shall be prosecuted in the same manner as a municipal infraction under Title 6 of this article.

(6) The County Commissioners of Washington County may authorize the County Attorney, the State's Attorney, or another attorney to prosecute a violation of an ordinance adopted under this section.

(7) If the District Court finds that a person has committed a violation of an ordinance adopted under this section, the person is liable for the costs of the court proceedings.

(h) (1) The County Commissioners of Washington County may adopt an animal control ordinance to provide that each violation of an ordinance adopted under this section is a misdemeanor and on conviction a person is subject to imprisonment not exceeding 30 days or a fine not exceeding $1,000 or both.

(2) The county commissioners may:

(i) establish a schedule of additional fines for each violation; and

(ii) adopt procedures for the collection of fines.

(3) (i) If a person who receives a citation under this section for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a notice of the violation shall be sent to the person's last known address.

(ii) If the citation is not satisfied within 15 days after the date the notice of violation is mailed, the person is subject to an additional fine not exceeding twice the amount of the original fine.

(iii) If the person who receives the citation does not pay the citation by the 36th day after the notice of violation is mailed, the animal control officer may request the District Court to adjudicate the violation.

(iv) After the animal control officer requests adjudication, the District Court shall schedule the case for trial and summon the defendant to appear.

§13–133.

(a) (1) In Wicomico County, each year as specified by law, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the governing body of Wicomico County.

(3) Except as provided by § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The governing body shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires as specified by local law.

(b) (1) In Wicomico County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the person pays the license fee for the dog.

(2) The governing body of Wicomico County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The governing body shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(c) The governing body of Wicomico County may designate persons to assist the county tax collector to collect license fees and issue licenses and tags under this subtitle.

(d) (1) In Wicomico County, the owner or custodian of a female dog that is in heat:

(i) may not knowingly allow the dog to run at large; and

(ii) shall confine the dog.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $25.

§13–134.

(a) (1) In Worcester County, on or before July 1 of each year, a person owning or keeping a dog shall apply to the county tax collector for a license for the dog if the dog is at least 6 months old.

(2) At the time of application, the applicant shall pay the fee for a dog or kennel license set by the County Commissioners of Worcester County.

(3) Except as provided in § 13–108 of this subtitle, the licenses and fees required under this section are the only licenses and fees required for owning or keeping a dog.

(4) The county commissioners shall prepare and supply the form for a license issued under this subsection.

(5) A dog license shall contain the date of issuance, a serial number, and a description of the dog licensed.

(6) A license expires on July 1 of the year after issuance.

(b) (1) In Worcester County, the county tax collector shall issue a tag with each dog license to a person owning or keeping a dog when the owner pays the license fee for the dog.

(2) The County Commissioners of Worcester County shall prepare and supply tags to the county tax collector each year.

(3) The tags shall be:

(i) composed of metal;

(ii) imprinted with a serial number corresponding to the number on the license issued to the owner under subsection (a) of this section;

(iii) imprinted with the calendar year for which the tag is issued;

(iv) 1 inch or less in length; and

(v) equipped with a substantial metal fastener.

(4) The county commissioners shall change the general shape of the tags each year.

(5) Tags supplied to owners of kennels shall contain the word "kennel".

(6) The person owning or keeping a dog shall attach the tag to a substantial collar and keep the collar and tag on the dog for which the license was issued at all times, except when the dog is:

(i) confined in a kennel; or

(ii) hunting under the charge of an attendant.

(7) The county tax collector shall replace a lost tag on:

(i) application by the person to whom the original license was issued;

(ii) the production of the license; and

(iii) payment of a fee of 25 cents.

(c) (1) The County Commissioners of Worcester County may adopt rules and regulations, by resolution or ordinance, to provide for:

(i) issuing dog licenses;

(ii) keeping records of all sales of licenses;

(iii) designating persons authorized to sell licenses; and

(iv) seizing and disposing of dogs found running at large in the county.

(2) Before the county commissioners adopt a rule or regulation in accordance with this subsection, a summary of the proposed rule, regulation, resolution, or ordinance shall be advertised in a newspaper of general circulation in the county once each week for 2 successive weeks, to provide any person an opportunity to be heard.

(3) The rules and regulations shall include standards and shall operate uniformly.

(4) Subject to paragraph (5) of this subsection, the county commissioners may delegate, by written contract, the enforcement of the rules and regulations.

(5) (i) The county commissioners shall reserve the right to cancel a written contract executed in accordance with paragraph (4) of this subsection.

(ii) A cancellation under this paragraph:

1. may be without notice or recourse, if the cancellation is for cause; or

2. requires notice at least 30 days before cancellation, if the cancellation is without cause.

(6) A person who violates a rule or regulation adopted in accordance with this subsection is guilty of a misdemeanor and on conviction is subject to a fine:

(i) for a first offense, not exceeding $25; and

(ii) for each subsequent offense, not exceeding $100.

(d) (1) The County Commissioners of Worcester County may appoint animal control officers.

(2) An animal control officer appointed under this subsection:

(i) has all the powers of a peace officer;

(ii) may sell and issue dog licenses; and

(iii) may seize and dispose of stray, injured, unlicensed, diseased, or vicious dogs, in accordance with rules and regulations of the county commissioners.

(3) The county commissioners may provide for the compensation of an animal control officer appointed under this subsection.

(e) (1) The County Commissioners of Worcester County may provide animal shelters where dogs seized by an animal control officer may be placed.

(2) The county commissioners may enter into an agreement with any adjacent county to establish an animal shelter to serve the counties.

(3) Notwithstanding § 13–105(d) of this subtitle, the county commissioners may use the proceeds from dog license fees to:

(i) establish and maintain an animal shelter; and

(ii) collect, care for, or euthanize dogs.

§13–201.

(a) This section applies only in:

(1) Caroline County;

(2) Carroll County;

(3) Cecil County;

(4) Charles County;

(5) Frederick County;

(6) Howard County;

(7) Somerset County;

(8) Talbot County;

(9) Wicomico County; and

(10) Worcester County.

(b) The governing body of a county may:

(1) issue permits for the establishment, operation, or maintenance of a public dance hall, a boxing or wrestling arena, an amusement park, or a tourist camp with cabins for rent;

(2) adopt rules and regulations for the issuance of permits under this section; and

(3) revoke permits issued under this section for cause and after notice and a hearing.

(c) A person shall obtain a permit from the governing body of a county before the person may establish, maintain, or operate a public dance hall, a boxing or wrestling arena, an amusement park, or a tourist camp with cabins for rent.

(d) (1) Except as provided in paragraph (2) of this subsection, the County Commissioners of Charles County shall charge a permit fee of:

(i) $50 for issuing the initial permit; and

(ii) $50 annually for renewal of the permit.

(2) A permit holder is exempt from the fee if:

(i) the facility is established, maintained, or operated for purposes of a religious, educational, or fraternal organization; and

(ii) no other person shares the profits and gains from events held in the facility.

(e) In Worcester County, this section also applies to a tourist cabin, a motel, an apartment house, a rooming house, or any other structure or building to be rented to four or more persons at one time.

(f) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine of not less than $100 and not exceeding $500 for each

offense.

(2) The establishment or place in violation of this section is subject to abatement as a nuisance.

§13–202.

(a) This section applies to all counties except Baltimore City.

(b) The governing body of a county may, by resolution, regulate the construction or establishment of trailer camps.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates a regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $100.

(2) In Calvert County, a person who violates a regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§13–203.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) In addition to the authority granted under § 13–202 of this subtitle, the governing body of a county may license and regulate the location, construction, and operation of trailers and tourist camps.

§13–204.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) Subject to any restriction or prohibition imposed by other public general law, the governing body of a county may license and regulate public amusements in the interest of public welfare.

§13–205.

(a) (1) Notwithstanding any provision of the Business Regulation Article, in Calvert County, a palm reader, fortune–teller, soothsayer, or similar individual shall:

(i) apply to the Clerk of the Circuit Court for Calvert County for a license to do business; and

(ii) pay a license fee of $1,000 to the Clerk of the Circuit Court for Calvert County.

(2) Before an applicant may be issued a license under this section, the applicant shall:

(i) be fingerprinted and photographed by the Department of State Police; and

(ii) obtain a certificate from the Department of State Police that indicates that the applicant has never been convicted of a crime, other than a motor vehicle violation.

(3) The term of the license is 3 months.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine of not less than $100 and not exceeding $500 or both.

§13–301.

In this part, "transient vendor" means a person who:

(1) engages in a business of selling or soliciting orders for the sale of goods;

(2) is located in one location or travels from place to place;

(3) intends to continue the business in the county for 1 year or less; and

(4) for the purpose of conducting the business, rents, uses, or occupies:

(i) a building or part of a building;

(ii) a street, an alley, a road, a park, or any other lot or parcel of land; or

(iii) an automobile, a truck, a boat, a cart, or any other motor or nonmotorized vehicle.

§13–302.

This part applies only in:

(1) Carroll County;

(2) Frederick County; and

(3) Washington County.

§13–303.

(a) This part applies to a transient vendor and the principal or agent of a transient vendor.

(b) This part does not apply to:

(1) an auctioneer or any other traveler or selling agent in the usual course of business;

(2) the mere solicitation of orders for the future delivery of goods in interstate commerce;

(3) the sale of goods exhibited on grounds used by an agricultural society for the annual fair of that agricultural society;

(4) a sale by any nonprofit organization or society for a charitable, religious, or other public purpose;

(5) an exhibitor that is the sole producer of the products sold at:

(i) a convention of a religious, civic, or charitable group; or

(ii) a nonprofit trade association, concert, cultural event, art and craft show, sale, exhibition, or fair;

(6) a sale by a farmer or a farmer's agent of produce from a truck or stand owned or leased by the farmer;

(7) a show, a sale, an exhibition, or a fair conducted in the central pedestrian area of an enclosed shopping mall; or

(8) a sale by a seller at a residence in accordance with an invitation by the owner or legal occupant of the residence.

(c) This part does not apply to a show, a sale, an exhibition, or a fair in Washington County:

(1) that is conducted in the central pedestrian area of a nonenclosed commercial complex that:

(i) is located on one parcel of land; and

(ii) contains at least 450,000 square feet of floor space and at least 100 retail establishments;

(2) that complies with all applicable codes and ordinances; and

(3) for which all applicable permits have been obtained.

§13–304.

The governing body of a county may license and regulate transient vendors in the county.

§13–305.

(a) A promoter, a sponsor, or any other person who organizes a convention, show, or sale that includes at least 10 transient vendors shall pay a license fee and obtain a license in accordance with this part.

(b) A transient vendor who participates in a convention, show, or sale licensed under this section is not required to obtain a separate transient vendor license.

§13–306.

At least 30 days before the date of intended sale in a county, a transient vendor shall submit to the 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 governing body requires.

§13–307.

(a) (1) An applicant for a transient vendor license shall execute and file a bond with the 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 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 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 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 governing body may deny the license.

(ii) If the license is denied, the governing body shall refund the license fee, less administrative costs.

(b) (1) The governing body of a county shall issue a transient vendor license within 20 days after the application is filed if:

(i) the 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.

§13–309.

(a) (1) Subject to paragraph (2) of this subsection, a transient vendor shall pay the following license fee to a county before beginning business in the county:

(i) a minimum of $1,000, which shall cover a period of up to 1 month from the date the transient vendor actually obtains the license and may legally proceed with business; and

(ii) $500 for each additional month or portion of a month.

(2) The license fee payable under this section may not exceed $3,500.

(b) The applicant for a transient vendor license shall deposit with the county cash in an amount equal to the full amount of the applicable license fee based on the estimated time that the license will be required.

§13–310.

(a) Before conducting business in a county, a transient vendor shall obtain a transient vendor license required under this part.

(b) (1) This part does not exempt a transient vendor from obtaining any other license or permit from:

(i) the United States;

(ii) the State;

(iii) the county;

(iv) any municipality in Frederick County; or

(v) the City of Hagerstown.

(2) This part does not exempt a transient vendor from liability, tax liability, or any other regulations that may be applicable in:

(i) the United States;

(ii) the State;

(iii) the county;

(iv) any municipality in Frederick County; or

(v) the City of Hagerstown.

(c) Unless otherwise allowed by law, a transient vendor may not sell goods on Sunday.

(d) A person who engages in business as a transient vendor in violation of this part is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding $2,500 or both.

§13–311.

(a) In Carroll County, in a proceeding to prosecute a violation of this part or to enforce the provisions of this part, there is a presumption that a person conducting a business intends to continue the business for no more than 1 year if the business is not open for business at least 5 days each week and at least 50 weeks each year.

(b) Law enforcement personnel from the State, a county, a municipality in Carroll County or Frederick County, or the City of Hagerstown may enforce compliance with the provisions of this part within their respective jurisdictions.

§13–312.

The County Commissioners of Carroll County may adopt regulations to:

(1) implement this part;

(2) protect against persons who attempt to avoid the requirements of this part or any other law or regulation relating to transient vendors;

(3) require persons engaging in business to prove that they are not transient vendors; or

(4) require a person engaging in business to post the bond or other security required by this part until the person has engaged in business for 1 year and has paid all taxes due as a result of engaging in that business.

§13–315.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may license and regulate a person who conducts the business of or acts as an itinerant or door–to–door peddler or salesman of goods or subscriptions for magazines and other periodical publications, either by sample or otherwise.

(d) The County Commissioners of Carroll County may license and regulate a person who engages in business for less than 1 year at any single location.

§13–401.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may:

(1) prevent and remove nuisances; and

(2) prevent the introduction of contagious diseases into the county.

(d) The governing body of a county may approve the location for:

(1) soap manufacturing;

(2) fertilizer manufacturing;

(3) slaughterhouses;

(4) packinghouses; and

(5) any other facility that may involve conditions that are unsanitary or detrimental to health.

(e) This section does not affect:

(1) the powers and duties of the Secretary of Health and Mental Hygiene;

(2) the powers and duties of the Secretary of the Environment; or

(3) any other public general law that relates to health.

§13–402.

(a) This section applies to all counties, except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may:

(1) require, regulate, or provide for the collection, removal, and disposal of garbage or other unsanitary material; and

(2) determine whether the expense of the collection, removal, or disposal is to be paid by the responsible owner or tenant or wholly or partly by the county.

(d) The governing body of a county may:

(1) license commercial refuse collectors for hire;

(2) make it unlawful to collect, remove, or dispose of refuse for hire without a license;

(3) regulate commercial refuse collectors, including the suspension, revocation, and renewal of licenses; and

(4) require public notice of a hearing with the right to be represented by counsel if a license is denied, suspended, or revoked.

§13–403.

(a) The governing body of a county may:

(1) acquire, maintain, and operate land in the county for the disposal of garbage or any other matter that in the judgment of the governing body may promote the health of the residents of the county; and

(2) construct an incinerator or other garbage disposal plant in the county.

(b) In exercising the powers granted under this section, the governing body of a county may:

(1) adopt and enforce rules and regulations relating to the operation of the disposal areas or facilities;

(2) make agreements for cooperation and financial support, through service charges and fees, in the acquisition, construction, operation, and maintenance of the disposal areas or facilities;

(3) set and collect reasonable service charges or fees;

(4) employ personnel for the operation, maintenance, or supervision of the disposal areas or facilities;

(5) acquire any interest in land by purchase, gift, lease, or condemnation; and

(6) make appropriations or borrow money for land acquisition and capital improvements, issue bonds, notes, or other evidences of indebtedness, and make appropriate levies to pay these obligations.

§13–404.

(a) The County Commissioners of Calvert County may provide that unpaid charges made against real property for the removal of an unauthorized accumulation of weeds or debris from the property are a lien on the property until paid.

(b) The County Commissioners of Calvert County shall provide reasonable notice to the property owner that a lien may be imposed under subsection (a) of this section before the removal of weeds or debris from the property.

§13–405.

The County Commissioners of Calvert County may seek reimbursement of costs incurred in the cleanup of hazardous materials in the county from a person responsible for the release of the hazardous materials.

§13–406.

(a) The County Commissioners of Calvert County may enact an ordinance pertaining to:

(1) tattoo artist services; or

(2) body piercing services.

(b) The Calvert County Health Department shall enforce an ordinance adopted under this section.

§13–407.

(a) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted under this section.

(b) The County Commissioners of Frederick County may enact a local law or adopt regulations that are at least as stringent as the provisions of Title 24, Subtitle 5 of the Health – General Article to regulate smoking in public buildings owned, controlled, or financed by the State in Frederick County.

§13–408.

(a) The County Commissioners of Washington County may adopt regulations for restricting the growth of nonnoxious weeds on real property in Washington County.

(b) The County Commissioners of Washington County may provide that unpaid charges made against real property for the removal of an unauthorized accumulation of weeds and debris from the property are a lien on the property until paid.

(c) The County Commissioners of Washington County shall provide reasonable notice to the property owner that a lien may be imposed under subsection (b) of this section before the removal of weeds or debris from the property.

§13–409.

The County Commissioners of Washington County may enact an ordinance that is at least as stringent as the provisions of Title 24, Subtitle 5 of the Health – General Article to regulate smoking in county offices and county office buildings.

§13–410.

(a) (1) The health officer for Washington County or the health officer's designee may issue a citation to a person believed to be committing a violation of Title 20, Subtitle 3 of the Health – General Article or a related violation of a provision of the Code of Maryland Regulations.

(2) The citation shall bear a certification attesting to the truth of the matters set forth in the citation.

(3) The health officer shall keep a copy of the citation.

(b) The citation shall contain:

(1) the name and address of the person charged;

(2) the nature of the violation;

(3) the location and time of the violation;

(4) the amount of the fine;

(5) the manner, location, and time in which the fine may be paid; and

(6) a notice of the person's right to elect to stand trial for the violation.

(c) (1) A fine not exceeding $1,000 may be imposed for each violation.

(2) The County Commissioners of Washington County may:

(i) establish a schedule of additional fines for each violation; and

(ii) adopt procedures for the collection of the fines.

(d) (1) A person who receives a citation may elect to stand trial for the offense by filing notice of intent to stand trial with the health officer at least 5 days before the payment date specified in the citation.

(2) After receiving the notice of intention to stand trial, the health officer shall forward a copy of the citation and the notice to the District Court having venue.

(3) After receiving the citation and notice, the District Court shall:

(i) schedule the case for trial; and

(ii) notify the defendant of the trial date.

(4) All fines, penalties, or forfeitures collected by the District Court for violations of Title 20, Subtitle 3 of the Health – General Article shall be remitted to the county.

(e) (1) Washington County shall send a notice of the violation to the last known address of a person who:

(i) receives a citation for a violation;

(ii) fails to pay the fine by the date of payment specified in the citation; and

(iii) fails to file a notice of intention to stand trial.

(2) If, after 15 days from the date the notice is sent, the citation is not satisfied, the person is liable for an additional fine not exceeding twice the original fine.

(3) If, after 35 days from the date the notice is sent, the citation is not paid, the health officer may request adjudication of the case through the District Court.

(4) If the health officer requests adjudication under paragraph (3) of

this subsection, the District Court shall schedule the case for trial and summon the defendant to appear.

(f) In a proceeding before the District Court, a violation of Title 20, Subtitle 3 of the Health – General Article shall be prosecuted in the same manner and to the same extent as a municipal infraction under §§ 6–108 through 6–115 of this article.

(g) The County Commissioners of Washington County may authorize the County Attorney, the State's Attorney, or another attorney to prosecute a violation of Title 20, Subtitle 3 of the Health – General Article.

(h) If the District Court finds that a person has committed a violation of Title 20, Subtitle 3 of the Health – General Article, the person shall be liable for the costs of the court proceedings.

§13–501.

In this subtitle, "junkyard" means a public or private dump, automobile junkyard, automotive dismantler or recycler facility, scrap metal processing facility, outdoor place where old motor vehicles are stored in quantity or dismantled, or lot on which refuse, trash, or junk is deposited.

§13–502.

Except as otherwise provided in this subtitle, this subtitle applies to all counties, including Baltimore City.

§13–503.

The governing body of a county may adopt rules and regulations for the licensing, maintenance, and operation of junkyards in the county to:

(1) protect county residents from unpleasant and unwholesome conditions and neighborhoods;

(2) preserve the beauty and esthetic value of rural or residential areas;

(3) safeguard the public health and welfare;

(4) promote good civic design; and

(5) promote the health, safety, morals, order, convenience, and prosperity of the community.

§13–504.

The rules and regulations adopted by the governing body of a county may:

(1) require that a person who maintains or operates a junkyard in the

county obtain a license from the county; and

(2) specify a reasonable fee for the license.

§13–505.

(a) (1) Before adopting rules and regulations under § 13–503 of this subtitle, the governing body of a county shall hold a public hearing.

(2) The rules or regulations are not valid unless a public hearing is held as advertised.

(b) The governing body of the county shall publish notice of the time and place of the public hearing in a newspaper of general circulation in the county once a week for not less than 4 successive weeks.

§13–506.

(a) (1) Except as provided in subsection (b) of this section, a person who violates a rule or regulation adopted under § 13–503 of this subtitle is guilty of a misdemeanor and on conviction is subject to a fine of not less than $25.

(2) Each day on which a violation continues is a separate offense.

(b) (1) This subsection applies only to a code county in the Western Maryland class.

(2) The county commissioners may:

(i) provide that a violation of a rule or regulation adopted under § 13–503 of this subtitle is a civil infraction under Title 11, Subtitle 2 of this article; or

(ii) abate, or contract for the abatement of, a violation at the expense of the owner of the real property on which the violation occurred.

(3) (i) An unpaid charge imposed on an owner of real property under paragraph (2)(ii) of this subsection is a lien against the real property on which the violation occurred.

(ii) The lien shall be recorded in the office of the clerk for the county where the violation occurred.

§13–507.

(a) In Calvert County, a person who maintains or operates a junkyard within 100 feet of an interstate or a State or county road shall screen or fence the junkyard so that the junkyard is not visible from the road.

(b) A person who violates this section is guilty of a misdemeanor and on

conviction is subject to a fine not exceeding $1,000.

§13–508.

(a) In Charles County, a person who maintains or operates a junkyard within 200 feet of an interstate or a State or county road shall screen or fence the junkyard so that the junkyard is not visible from the road.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $100 or both.

§13–601.

(a) Subject to subsection (b) of this section, the governing body of a county may adopt an ordinance, a resolution, or a regulation or take any other action that the governing body considers necessary to authorize a person to:

(1) use the person's property to operate a seafood business;

(2) harvest seafood;

(3) buy or sell seafood;

(4) store equipment used in the person's seafood business; and

(5) enjoy the quiet conduct of the person's seafood business.

(b) (1) Before adopting an ordinance, a resolution, or a regulation under subsection (a) of this section, the governing body of the county shall:

(i) hold a public hearing on the proposed ordinance, resolution, or regulation;

(ii) provide reasonable notice of the hearing; and

(iii) obtain the written consent of the Secretary of Natural Resources.

(2) An ordinance, a resolution, or a regulation adopted without the written consent of the Secretary of Natural Resources is void.

(c) In the event of a conflict, federal law, State law, or written program guidance issued by a unit of the federal or State government shall preempt an ordinance, a resolution, or a regulation adopted or any other action taken under this section.

§13–602.

(a) This section applies to all counties, except Baltimore City.

(b) The governing body of a county shall impose a tax and appropriate money that the governing body considers necessary to address a farm labor problem.

§13–603.

(a) This section applies to all counties, except Baltimore City.

(b) (1) Under rules it adopts, the governing body of a county may appropriate and use money it considers necessary to support farmers' cooperative demonstration work in the county, including home demonstration work and boys and girls club work, that is similar to work that the United States Department of Agriculture or the University of Maryland Cooperative Extension may conduct.

(2) The governing body of a county may cooperate with the United States Department of Agriculture and the University of Maryland Cooperative Extension to jointly conduct and fund the demonstration work on terms and conditions agreed to by the governing body of the county, the Department, and the Extension.

§13–604.

(a) Subject to subsection (b) of this section, the County Council of Anne Arundel County may adopt an ordinance, a resolution, or a regulation or take any other action that the County Council considers necessary to protect a person's right to farm or engage in agricultural or forestry operations.

(b) Before adopting an ordinance, a resolution, or a regulation or taking any other action under subsection (a) of this section, the County Council of Anne Arundel County shall:

(1) hold a public hearing on the proposed ordinance, resolution, regulation, or action; and

(2) provide reasonable notice of the hearing.

§13–605.

(a) In this section, "Advisory Board" means the Garrett County Agricultural Preservation Advisory Board.

(b) The County Commissioners of Garrett County shall adopt rules, regulations, and procedures for:

(1) the establishment and monitoring of agricultural districts; and

(2) the evaluation of land to be included in agricultural districts.

(c) (1) The rules, regulations, and procedures adopted by the County Commissioners of Garrett County shall contain the provisions set forth in this

subsection.

(2) (i) One or more landowners actively devoted to agricultural use may file a petition with the county commissioners requesting the establishment of an agricultural district on the land owned by the petitioners.

(ii) The petition filed in accordance with subparagraph (i) of this paragraph shall include maps and descriptions of the current use of land in the proposed district.

(3) On receipt of a petition to establish an agricultural district, the county commissioners shall refer the petition and accompanying materials to the Advisory Board and the county planning commission.

(4) Within 60 days after the referral of a petition:

(i) the Advisory Board shall advise the county commissioners:

1. whether the land in the proposed district meets the requirements established by the county under subsection (e) of this section; and

2. whether the Advisory Board recommends establishment of the district; and

(ii) the county planning commission shall advise the county commissioners:

1. whether establishment of the district is compatible with existing or approved county plans and policy; and

2. whether the county planning commission recommends establishment of the district.

(5) (i) If either the Advisory Board or the county planning commission recommends approval, the county commissioners shall hold a public hearing on the petition.

(ii) Adequate notice of a hearing under subparagraph (i) of this paragraph shall be made to:

1. all landowners in the proposed district; and

2. the Maryland Agricultural Land Preservation Foundation.

(6) Within 120 days after the receipt of the petition or application, the county commissioners shall decide whether the proposed agricultural district will be established.

(7) (i) The establishment of an agricultural district does not take effect

until all landowners in the proposed district have executed an agreement with the county commissioners that:

1. is recorded in the county land records;

2. requires a landowner to keep the landowner's land in agricultural use for a minimum of 3 years from the establishment of the agricultural district; and

3. maintains the right of a landowner to sell an easement for development rights on the land to the Maryland Agricultural Land Preservation Foundation.

(ii) In the event of severe economic hardship, the county commissioners may release the landowner's property from the agricultural district.

(iii) After meeting the minimum 3–year requirement in the agricultural district agreement under subparagraph (i)2 of this paragraph, a landowner may terminate the property's designation as an agricultural district by notifying the county commissioners in writing 1 year before the desired date of termination.

(8) After the establishment of an agricultural district, the county commissioners may review the use of the land within the agricultural district.

(9) The county commissioners may approve the alteration or termination of an agricultural district only if the use of the land within the agricultural district has changed so that the land within the district fails to meet the county requirements under subsection (e) of this section.

(d) Rules, regulations, or procedures adopted by the County Commissioners of Garrett County under this section may not require a natural gas rights owner or lessee to subordinate its interest to the interest of the county commissioners if the county commissioners determine that the exercise of the natural gas rights will not interfere with an agricultural operation conducted on land in the agricultural district or on land subject to an easement.

(e) Rules, regulations, or procedures adopted by the County Commissioners of Garrett County relating to land that may be included in an agricultural district shall provide that:

(1) the land shall meet productivity, acreage, and locational criteria determined by the county commissioners to be necessary for the continuation of farming;

(2) the county commissioners shall attempt to preserve the minimum number of acres in a given agricultural district that may reasonably be expected to promote the continued availability of agricultural suppliers and markets for

agricultural goods; and

(3) land within the boundaries of a 10–year water and sewer service district may be included in an agricultural district only if, in the discretion of the county commissioners, that land is outstanding in productivity and is of significant size.

(f) (1) Land may be included in an agricultural district only if the rules, regulations, and procedures of the County Commissioners of Garrett County that govern the land allow the activities listed under § 2–513 of the Agriculture Article.

(2) Agricultural districts may be established on any land in agricultural use, but only if the landowner agrees to the conditions, restrictions, and limitations under § 2–513 of the Agriculture Article.

(g) The Maryland Agricultural Land Preservation Foundation may not purchase an easement on land that is located in Garrett County but that is outside of an agricultural district established under this section.

(h) This section does not preclude a landowner from selling the landowner's property.

§13–606.

(a) By ordinance, the County Commissioners of Washington County:

(1) may establish methods to:

(i) provide supplemental payments to the Maryland Agricultural Land Preservation Foundation, independently or under a lease arrangement with an outside funding source; or

(ii) purchase development rights in an agricultural preservation district; and

(2) in accordance with regulations and procedures adopted by the Maryland Agricultural Land Preservation Foundation, may provide for:

(i) the establishment of agricultural preservation districts; and

(ii) standards and guidelines under which real property is eligible for inclusion in an agricultural preservation district.

(b) (1) The methods to provide supplemental payments or purchase development rights under subsection (a)(1) of this section may include the creation of a long–term obligation of Washington County in the nature or form of an installment purchase agreement.

(2) An obligation authorized under paragraph (1) of this subsection is exempt from §§ 19–205 and 19–206 of this article.

§13–701.

(a) This section applies only to:

(1) Frederick County;

(2) Garrett County; and

(3) Washington County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The county commissioners may adopt an ordinance or resolution to:

(1) provide for the licensure of persons engaging in weather modification; and

(2) require the reporting of any activity performed with the intention of producing artificial changes in the composition, behavior, or dynamics of the atmosphere as defined in the National Weather Modification Policy Act of 1976, 15 U.S.C. § 330 et seq.

§13–702.

(a) (1) By resolution, the County Council of Prince George's County may create an official advisory committee on natural resources and community appearance to guide and accomplish the work of the County Council sitting as district council.

(2) The resolution shall specify the membership, duties, and functions of the committee.

(b) (1) It is the intent of the General Assembly that all units of State government cooperate with the County Council of Prince George's County to the fullest possible extent to guide the orderly growth of the county through an advisory committee created under this section.

(2) At the request of the County Council, an official designated by a unit of State government may serve as a member of the advisory committee.

(c) The duties of the advisory committee may include making technical recommendations for:

(1) the preservation, exploitation, and site rehabilitation of mineral deposits; and

(2) the means and methods of encouraging development above minimum standards.

§13–703.

(a) The County Commissioners of St. Mary's County may:

(1) adopt an ordinance, a rule, or a regulation for erosion and siltation control requirements to facilitate sedimentation control in the county; and

(2) provide for the enforcement of any ordinance, rule, or regulation adopted under this section.

(b) (1) A violation of an ordinance, a rule, or a regulation adopted under this section is a misdemeanor.

(2) The County Commissioners of St. Mary's County may establish a criminal penalty of a fine, imprisonment, or both for a violation of an ordinance, a rule, or a regulation adopted under this section.

(c) (1) The County Commissioners of St. Mary's County may provide for a civil penalty for a violation of an ordinance, a rule, or a regulation adopted under this section.

(2) In a proceeding before the District Court, a violation shall be enforced in the same manner and to the same extent as established for municipal infractions under Title 6 of this article.

(3) In addition to all other remedies provided by this section, the county may bring an action for an injunction against a person who violates an ordinance, a rule, or a regulation adopted under this section to require the correction or elimination of a violation.

§13–704.

(a) The County Commissioners of Calvert County may provide for:

(1) the enforcement and correction of violations of an erosion and sediment control ordinance for Calvert County;

(2) the collection of the costs of any enforcement and corrective actions authorized in item (1) of this subsection; and

(3) the enforcement of this section and of the Erosion and Sediment Control Ordinance by the imposition of civil penalties provided under subsection (d) of this section.

(b) (1) Calvert County shall send written notice, by certified mail or personal

service, of noncompliance to a permittee and the surety if:

(i) erosion and sediment control work does not comply with a permit or approved plans; and

(ii) the county wants to enforce the security that was required for the work.

(2) The notice shall include:

(i) the nature of the corrections required; and

(ii) the time within which the corrections shall be made.

(3) The county shall post a stop–work notice on the site if:

(i) the permittee does not act on the notice within the time specified in the notice; or

(ii) the situation is of a critical environmental nature.

(4) If a stop–work notice is posted on a site, no further work is authorized on the site, except as allowed by the county engineer or the county engineer's designee.

(5) If the permittee does not begin and diligently continue the corrections within 5 days after receiving written notice:

(i) the permittee is in default of the obligations imposed under this section; and

(ii) the county engineer may take immediate action to enforce the security.

(c) (1) If the county engineer or the county engineer's designee determines that there is imminent and substantial environmental harm because of the instability of the site, Calvert County may perform work at the site sufficient to:

(i) eliminate any public safety problem; and

(ii) provide environmental stabilization and protection.

(2) A grading permit authorizes employees of the county engineering department or the department's approved designees to enter the site to undertake work in accordance with paragraph (1) of this subsection.

(3) A charge for the cost of work performed by the county or its contractors under this section shall:

(i) be imposed on the owner of the property in the same manner as

county real property taxes are imposed;

(ii) have the same priority rights as county real property taxes;

(iii) bear the same interest and penalties as county real property taxes; and

(iv) be treated as county real property taxes are treated.

(4) The property owner shall be charged the maximum legal rate of interest.

(d) (1) A violation of the Erosion and Sediment Control Ordinance of Calvert County is a civil violation.

(2) Each separate day that a violation of the Erosion and Sediment Control Ordinance remains uncorrected is a separate violation, subject to an additional citation and fine in the amount required under paragraph (3) of this subsection.

(3) The fine for a civil violation of the Erosion and Sediment Control Ordinance is:

(i) for a first violation, $250;

(ii) for a second violation, $500;

(iii) for a third violation, $750; and

(iv) for a fourth or subsequent violation, $1,000.

(e) (1) A person who performs erosion and sediment control work in Calvert County without first obtaining a permit is in violation of the Erosion and Sediment Control Ordinance.

(2) In addition to the civil penalties provided under subsection (d) of this section, if a person performs erosion and sediment control work without first obtaining a permit, the county may enforce this section and take the same actions as those provided in this section for permit violations, including:

(i) the issuance of stop–work orders; and

(ii) performing work on site to eliminate any public safety problem and to provide environmental stabilization and protection.

(3) A charge for the cost of work performed in accordance with paragraph (2) of this subsection shall be imposed as provided in subsection (c)(3) of this section.

(f) (1) On verification of a violation of the Erosion and Sediment Control Ordinance, an inspector from the engineering department may deliver or mail a

citation to the person responsible for the violation.

(2) The citation is notification to the responsible person that the person has been assessed a civil fine that is due and payable to Calvert County, subject to the person's right to stand trial in District Court.

(g) The citation shall be on a form adopted by the County Commissioners of Calvert County and shall include:

(1) the date of issuance of the citation;

(2) the name and address of the person charged;

(3) the section number of the Erosion and Sediment Control Ordinance that has been violated;

(4) the nature of the violation;

(5) the time and location of the violation;

(6) the amount of the civil fine assessed;

(7) the manner, location, and time period in which the fine is to be paid;

(8) if applicable, a notice that each day of continued violation is a separate violation subject to additional citation;

(9) the name, business address, and telephone number of the county official familiar with the case; and

(10) a notice of the person's right to elect to stand trial for the violation, and instructions, including relevant time frames, necessary to exercise this right to stand trial.

(h) (1) A person who receives a citation may elect to stand trial for the offense by filing notice of intent to stand trial with Calvert County at least 5 days before the payment date specified in the citation.

(2) After receiving the notice of intention to stand trial, the county shall forward a copy of the citation and notice to the District Court.

(3) After receiving the citation, the District Court shall:

(i) schedule the case for trial; and

(ii) notify the defendant of the trial date.

(i) (1) Calvert County shall send a notice of the violation to the last known address of a person who:

(i) receives a citation for a violation;

(ii) fails to pay the fine by the date of payment specified in the citation; and

(iii) fails to file a timely notice of intention to stand trial.

(2) If, after 15 days from the date the notice is sent, the citation is not satisfied, the person is liable for an additional fine not exceeding twice the original fine.

(3) If, after 35 days from the date the notice is sent, the citation is not satisfied, the county may request adjudication of the case through the District Court.

(4) If the county requests adjudication under paragraph (3) of this subsection, the District Court shall schedule the case for trial and summon the defendant to appear.

(j) The County Commissioners of Calvert County may designate the County Attorney or the State's Attorney to represent the interests of the county and prosecute a civil violation under this section before the District Court.

§13–705.

(a) By ordinance or resolution, the County Commissioners of Cecil County may:

(1) provide for the control of air pollution, water pollution, and industrial waste coming from land in the county;

(2) provide for the appointment of inspectors to enforce an ordinance or a resolution adopted under item (1) of this subsection; and

(3) establish penalties for violations of an ordinance or a resolution adopted under item (1) of this subsection.

(b) Before adopting an ordinance or a resolution under this section, the County Commissioners of Cecil County shall:

(1) publish a summary of the proposed ordinance or resolution in one or more newspapers of general circulation in the county for at least 3 weeks that specifies the date for a public hearing;

(2) hold a public hearing; and

(3) give notice that copies of the proposed ordinance or resolution may be obtained on application to the clerk of the County Commissioners.

§13–706.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Decommissioning" means the removal and legal disposal of an industrial wind energy conversion system and any other components related to the industrial wind energy conversion system.

(ii) Unless the property owner specifies otherwise, "decommissioning" includes the removal and legal disposal of buildings, roads, concrete, fencing, gravel, stone, and foundations to a depth of 36 inches.

(3) "Industrial wind energy conversion system" means an aggregation of parts, including the base, wind turbine, generator, supports, guy wires, and accessory equipment in a configuration necessary to convert the power of wind into mechanical or electrical energy that is intended for sale to energy providers through the electric transmission grid.

(4) "Restoration of pad site" means, at the location of the industrial wind energy conversion system:

(i) stabilizing, grading, and seeding disturbed areas to grow ground cover; and

(ii) replacing the excavated foundation areas with topsoil that:

1. is free of noxious weeds, rocks, root mat, or foreign objects larger than 2 inches in size; and

2. has proper soil nutrients to provide and sustain the growth of ground cover.

(5) "Setback distance" means the distance measured from the base of the tower of a wind turbine in an industrial wind energy conversion system to any neighboring residential or school building in all directions.

(6) "Structure height" means the measurement from ground level at the base of an industrial wind energy conversion system to the highest point of the structure or the highest point of the blade at its greatest extension.

(7) "Wind turbine" means the tower, hub, blades, and nacelle.

(b) This section does not apply to any industrial wind energy conversion system that has submitted an interconnection application to the PJM Interconnection queue before March 1, 2013.

(c) In Garrett County, each individual industrial wind energy conversion system shall comply with a minimum setback distance equal to no less than two and

one–half times the structure height.

(d) (1) Before an occupancy permit is issued for an industrial wind energy conversion system in Garrett County, the Garrett County Department of Planning and Land Development shall:

(i) at the applicant's expense, retain an independent and certified professional engineer to prepare a net cost estimate for decommissioning and restoration of the pad site, less the salvage value of the industrial wind energy conversion system; and

(ii) require the applicant to post a bond equal to 100% of the cost estimate determined under item (i) of this paragraph and adjusted by an estimated construction pricing index to ensure that cost increases during the following 5–year interval will not decrease the value of the bond.

(2) A bond posted in accordance with paragraph (1)(ii) of this subsection shall be held by the Garrett County Finance Department to be used as surety in the event of noncompliance with a requirement under this section by an owner of an industrial wind energy conversion system.

(3) (i) On completion of the construction of an industrial wind energy conversion system in Garrett County, and every 10 years thereafter, the Garrett County Department of Planning and Land Development, at the applicant's expense, shall retain an independent certified professional engineer to prepare a net cost estimate for decommissioning and restoration of the pad site, less the salvage value of the industrial wind energy conversion system.

(ii) The Garrett County Department of Planning and Land Development may alter the amount of the bond determined under paragraph (1)(ii) of this subsection to provide adequate security for the costs of decommissioning and restoration of the pad site.

(4) If an industrial wind energy conversion system in Garrett County is sold, the bond posted in accordance with paragraph (1) of this subsection shall be released if the new owner posts a bond with the Garrett County Finance Department that:

(i) is equal to the amount of the bond posted by the seller; or

(ii) is a greater amount if the Garrett County Department of Planning and Land Development determines that additional security is necessary to provide for the cost of decommissioning and restoration of the pad site.

(5) (i) If an industrial wind energy conversion system in Garrett County has not generated electricity for a continuous period of 365 days or an owner has abandoned an industrial wind energy conversion system, the Garrett County Department of Planning and Land Development may require the owner to

decommission and restore the pad site.

(ii) If the owner fails to comply with the requirements under this paragraph, the bond shall be used by Garrett County to cover the costs of decommissioning and restoration of the pad site.

§13–801.

(a) This section applies to all counties except Baltimore City.

(b) The governing body of a county may establish a public landing on any navigable waters.

(c) (1) This subsection does not apply in Queen Anne's County.

(2) The proceedings on an application to establish a public landing are the same as the proceedings on an application to open a public road under Title 12, Subtitle 6 of this article.

§13–802.

(a) (1) In this section, "floating home" means a vessel that:

(i) is used or designated as a dwelling unit, place of business, or private or social club; and

(ii) has a volume coefficient that is greater than 3,000 square feet, based on the ratio of the habitable space of the vessel measured in cubic feet and the draft depth of the vessel measured in feet of depth.

(2) "Floating home" includes a structure that:

(i) is constructed on a barge that is primarily immobile and not used for navigation; or

(ii) functions primarily as a land structure while the vessel is moored or docked in the State.

(b) This section applies only to:

(1) Calvert County;

(2) Charles County; and

(3) St. Mary's County.

(c) The governing body of a county may adopt:

(1) laws to regulate mooring, docking, anchoring, and installing a floating

home in the waters of the county; and

(2) penalties for a violation of a law adopted under this subsection.

§13–803.

The County Commissioners of Charles County may maintain a fund of not more than $40,000 to provide for:

(1) the improvement of channels to make waters in the county navigable;

(2) the construction of breakwater and other waterway improvement projects; and

(3) mosquito control in waters in the county.

§13–804.

(a) This section applies only to Dorchester County and Somerset County.

(b) This section does not apply to boats moored in accordance with regulations adopted by the Department of Natural Resources.

(c) The governing body of a county may regulate fishing from a county bridge.

(d) The governing body of a county may regulate the docking, mooring, and abandonment of vessels along or within waterways in the county.

§13–805.

(a) (1) The governing body of Dorchester County may adopt regulations concerning maintaining and operating public docks, piers, wharves, and harbor facilities owned or leased by the county.

(2) A regulation adopted under this subsection may include provisions related to:

(i) permits;

(ii) berths;

(iii) mooring;

(iv) swimming;

(v) trash disposal and removal; and

(vi) sunken vessels.

(b) The governing body of Dorchester County may adopt penalties for a violation of a regulation adopted under this section, including imprisonment not exceeding 6 months or a fine not exceeding $500 or both.

§13–901.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Charles County;

(6) Howard County;

(7) Prince George's County;

(8) Queen Anne's County; and

(9) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may:

(1) regulate the construction of buildings and signs;

(2) adopt a building code;

(3) provide for enforcement of the code;

(4) require permits for the construction of buildings and signs;

(5) impose permit and inspection fees;

(6) provide for inspection of buildings and structures;

(7) provide for condemnation of dangerous or insecure buildings or structures as provided under other public general law; and

(8) require dangerous or insecure buildings and structures to be made safe or demolished.

§13–902.

(a) This section applies only to:

(1) Calvert County;

(2) Caroline County;

(3) Dorchester County;

(4) Frederick County;

(5) Harford County;

(6) Kent County; and

(7) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) (1) A building code or housing code adopted under this section does not apply to a building on a farm or to any premises devoted solely to agricultural uses.

(2) Notwithstanding paragraph (1) of this subsection, a building code or housing code adopted under this section applies to:

(i) in Calvert County, dwellings on which construction is begun after July 1, 1979; or

(ii) in Frederick County, residential buildings or buildings constructed for human habitation regardless of location or other auxiliary use.

(d) (1) The County Commissioners of Kent County shall adopt a building code and a housing code.

(2) The governing bodies of Calvert County, Caroline County, Dorchester County, Frederick County, Harford County, and Worcester County may adopt a building code and a housing code.

(e) (1) A building code or housing code adopted under this section, and all regulations adopted under the codes, shall be designed to protect the public health and welfare.

(2) A building code shall include:

(i) regulations requiring a building permit before a building is built or improved; and

(ii) standards for constructing, maintaining, and repairing, including structural safety, fire prevention, lighting, ventilation, and proper means of access.

(3) A housing code shall include regulations and standards for human habitation, including sanitation, density of occupancy, open space, and rodent infestation.

(4) A building code or housing code may include provisions for enforcement of the code, including providing for inspectors and penalties for a violation of the code or the regulations adopted under the code.

(f) (1) Except as provided in paragraph (2) of this subsection, a building code or housing code adopted under this section may incorporate by reference all or part of a building code or housing code issued or proposed and made available for general distribution by any governmental unit or trade or professional association.

(2) In Caroline County, Frederick County, Harford County, Kent County, and Worcester County, any later amendment to a code or part of a code that is adopted by reference is not effective until the governing body of the county incorporates the specific amendment into the county's building code or housing code.

(g) (1) This subsection applies only to:

(i) Frederick County;

(ii) Harford County; and

(iii) Kent County.

(2) The governing body of the county may charge a fee for a zoning certificate or permit for construction of improvements to real property.

§13–903.

(a) The governing body of Cecil County may adopt a building code to provide for:

(1) constructing, maintaining, and repairing buildings and structures;

(2) the appointment of inspectors to enforce the code; and

(3) penalties for a violation of the code.

(b) In Cecil County, the building code may incorporate by reference all or part of a code proposed by any governmental unit or trade or professional association for general distribution in printed form as a standard model on any subject relating to constructing, maintaining, or repairing a building or other structure.

§13–904.

(a) (1) The County Commissioners of Charles County shall adopt a building code that:

(i) specifies standards for constructing, maintaining, or repairing buildings and structures; and

(ii) substantially conforms to the basic building code adopted by the International Code Council.

(2) After a hearing on the proposed changes, the county commissioners may amend the code.

(b) In Charles County, the building code adopted under this section does not apply to any farm buildings or any other outbuilding with a cost of less than $2,500.

(c) The County Commissioners of Charles County may impose a fee for a permit issued under the building code.

(d) (1) The County Commissioners of Charles County shall appoint a building inspector and assistant inspectors at salaries as provided in the county budget.

(2) The inspectors shall enforce the building code and the related regulations.

(e) The County Commissioners of Charles County may:

(1) provide penalties for a violation of the building code; and

(2) abate a violation of the building code.

(f) (1) If the County Commissioners of Charles County abate a violation of the building code, the county commissioners may assess against the property the reasonable costs of the abatement.

(2) The assessment shall be:

(i) added to the annual tax bill of the property to be collected in the same manner as ordinary taxes are collected; and

(ii) subject to the same interest and penalty for nonpayment as provided by law for the nonpayment of county taxes.

(3) The assessment is a lien against the property from the date of assessment until paid.

§13–905.

(a) The County Commissioners of Queen Anne's County may adopt a building code.

(b) A building code adopted under this section applies to a residential building on a farm but does not apply to another outbuilding on a farm, including a building that houses animals or farm equipment or is used for farm storage.

§13–906.

(a) The County Commissioners of St. Mary's County may adopt a building code to provide for constructing, maintaining, and repairing buildings and other structures.

(b) (1) A building code adopted under this section may incorporate by reference all or part of a code proposed by any governmental unit or a trade or professional association for general distribution in printed form as a standard model on any subject relating to constructing, maintaining, or repairing buildings or structures.

(2) Any later amendment to a code or part of a code that is adopted by reference is not effective until the County Commissioners of St. Mary's County incorporate the specific amendment into the county's building code.

(c) The County Commissioners of St. Mary's County may appoint inspectors to enforce the building code.

(d) The County Commissioners of St. Mary's County may provide penalties for a violation of the building code.

§13–907.

(a) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted under this section.

(b) The County Commissioners of Washington County may adopt licensing requirements for home builders.

(c) The County Commissioners of Washington County may:

(1) set a license fee; and

(2) require an applicant or licensee to provide a performance bond.

§13–910.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Charles County;

(6) Howard County;

(7) Prince George's County;

(8) Queen Anne's County; and

(9) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) An electrical code adopted under this section does not apply to:

(1) electrical equipment or electrical appliances or devices used by public utilities in furnishing their services; or

(2) work performed by public utilities or their affiliated companies.

(d) (1) The governing body of a county may:

(i) adopt an electrical code;

(ii) provide for inspections to enforce the code; and

(iii) impose permit and inspection fees.

(2) An electrical code adopted by the County Commissioners of Calvert County shall be adopted by ordinance.

§13–911.

(a) This section applies to all counties, except Baltimore City.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) In accordance with the Maryland Master Electricians Act, the governing body of a county, by ordinance, may:

(1) provide for the general licensing of electricians;

(2) license and establish classifications of electricians;

(3) establish powers and duties of electrical inspectors, including the authority to issue permits and registrations;

(4) provide for penalties for a violation of an ordinance adopted under this section;

(5) establish a Board of Electrical Examiners; and

(6) establish powers and duties of the Board of Electrical Examiners.

§13–912.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Charles County;

(6) Howard County;

(7) Prince George's County;

(8) Queen Anne's County; and

(9) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may:

(1) require the inspection and licensing of elevators; and

(2) prohibit the use of an elevator if it is unsafe, dangerous, or unlicensed.

§13–915.

(a) This section applies to all counties except:

(1) Baltimore City;

(2) Baltimore County; and

(3) to the extent that an area is under the Washington Suburban Sanitary Commission, Prince George's County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) In accordance with the Maryland Plumbing Act, the governing body of a county may:

(1) adopt a plumbing code;

(2) provide for inspections to enforce the code; and

(3) impose permit and inspection fees.

§13–916.

(a) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(b) (1) This subsection applies only to Frederick County, Harford County, and Kent County.

(2) The governing body of a county may:

(i) adopt regulations for the issuance of plumbing permits for the installation of sanitary systems, plumbing, and plumbing fixtures; and

(ii) impose a fee for the permits and for enforcement of the permits.

(c) (1) This subsection applies only to Frederick County and Harford County.

(2) The governing body of a county may:

(i) adopt a plumbing code to regulate the construction of water, sewer, drainage, and sanitary facilities;

(ii) employ personnel to enforce the code; and

(iii) provide criminal penalties for a violation of the code.

(3) (i) If the County Commissioners of Frederick County adopt a plumbing code, the county commissioners shall appoint an Advisory Plumbing Board.

(ii) The Advisory Plumbing Board shall consist of an individual designated by the Frederick County health officer, two plumbers, and two other individuals.

(iii) The Advisory Plumbing Board shall assist in the drafting,

adoption, and enforcement of the plumbing code.

(iv) The term of a member is 4 years.

(v) The terms of members are staggered as required by the terms provided for members of the Advisory Plumbing Board on October 1, 2013.

(vi) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(vii) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(4) (i) If the governing body of Harford County adopts a plumbing code, the governing body shall appoint an Advisory Plumbing Board.

(ii) The Advisory Plumbing Board shall consist of a physician, a plumber, and one other individual to assist in the drafting, adoption, and enforcement of the plumbing code.

(iii) The term of a member is 4 years.

§13–917.

(a) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted under this section.

(b) The County Commissioners of Washington County may adopt an ordinance or resolution to license household appliance installers to perform plumbing work incident to the installation of home appliances.

(c) The County Commissioners of Washington County may require a license fee and a performance bond before granting a license.

§13–918.

(a) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted under this section.

(b) Subject to subsection (c) of this section, the County Commissioners of Washington County may adopt, by ordinance or resolution, licensing requirements for:

(1) on–site utility contractors who perform plumbing work while installing water or sewer service; and

(2) septic system installers who place a service line between a septic tank and a building.

(c) A license issued under this section does not authorize the licensee to do

plumbing work within 5 feet from a building being served.

(d) The County Commissioners of Washington County may set a license fee and require an applicant or licensee to provide a performance bond.

§13–921.

(a) This section applies to all counties except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Howard County;

(5) Prince George's County; and

(6) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may enact a local law that requires the development of land for residential uses to comply with pertinent underground electric and telephone residential service regulations adopted by the Public Service Commission, including those pertaining to deposits.

§13–922.

The governing body of Frederick County may enact an ordinance to control the increase of rent in the county.

§13–923.

The County Commissioners of Washington County may enact a local law or adopt regulations to control the increase of rent in the county.

§16–101.

(a) The fiscal year for each county, municipality, or special taxing district begins on July 1 of a calendar year and ends on June 30 of the next calendar year.

(b) Each county, municipality, and special taxing district shall use the fiscal year for:

(1) appropriating money;

(2) authorizing expenditures; and

(3) balancing books and accounts.

§16–102.

In preparing and revising its annual budget, a political subdivision may use the accrual method to report revenues.

§16–103.

(a) (1) In this section the following words have the meanings indicated.

(2) "Financial officer" means the treasurer or other financial officer of a political subdivision.

(3) "Political subdivision" includes:

(i) a county;

(ii) a municipality;

(iii) a special taxing district; and

(iv) a public corporation of the State.

(b) If a political subdivision is authorized to incur debt to be redeemed from a fee, charge, or the proceeds of a tax, its financial officer shall submit a comprehensive report on the financial condition of the political subdivision as of the end of that fiscal year to the State Treasurer and, subject to § 2–1246 of the State Government Article, the Department of Legislative Services in accordance with the timeframes required under § 16–305 of this title for submission of annual financial reports of counties, municipalities, and special taxing districts.

(c) A report under this section shall be on the form that the Department of Legislative Services provides and shall include the affidavit of the financial officer and all of the following information that applies to the political subdivision:

(1) the assessed valuation of taxable and tangible property in the political subdivision;

(2) the total indebtedness of the political subdivision, including the following categories of the total indebtedness:

(i) bond indebtedness that is redeemable from the proceeds of general and ad valorem taxes;

(ii) temporary or floating indebtedness;

(iii) obligations that are incurred in anticipation of tax collection;

(iv) current bills payable;

(v) contingent liability that results from the guaranty of an obligation of another political subdivision; and

(vi) self–liquidating bond indebtedness, including:

1. the amount of indebtedness for each project; and

2. the source of the revenue for its liquidation;

(3) for each sinking fund for retirement of obligations:

(i) each obligation for which the fund is established;

(ii) the amount of the fund; and

(iii) the manner in which money in the fund is invested;

(4) for the fiscal year for which the report is made:

(i) the amount of property tax imposed;

(ii) the amount of property tax collected;

(iii) the amount of any special assessment imposed; and

(iv) the amount of any special assessment collected;

(5) for each of the 3 fiscal years immediately preceding the fiscal year for which the report is made:

(i) the amount of property tax imposed; and

(ii) the amount of uncollected property tax;

(6) the population of the political subdivision as reported in the most recent federal census;

(7) any official or unofficial population estimate for the fiscal year for which the report is made;

(8) unless the political subdivision is a county or municipality that is a member of a State retirement or pension system, a copy of the most recent actuarial report on the pension system of the political subdivision;

(9) for all categories of indebtedness:

(i) variable interest rate debt instruments;

(ii) interest rate exchange agreements or swaps; and

(iii) other derivatives, including futures and options; and

(10) any other information about the financial affairs of the political subdivision that the Department of Legislative Services finds necessary to show accurately the financial condition of the political subdivision.

(d) On request of the State Treasurer, a financial officer shall submit an updated report on the indebtedness of the political subdivision as required in this section.

(e) (1) A financial officer may not fail to:

(i) submit a report under this section; or

(ii) resubmit a report that meets the requirements of this section within 15 days after receiving notice that the Department of Legislative Services finds a report inadequate.

(2) If a financial officer violates this section, the political subdivision employing the financial officer is liable to the State for a penalty of $10 for each day that the report is overdue.

§16–104.

(a) On or before April 30 of each year, the Department of Legislative Services shall report on the status of any pension system of each county, municipality, and special taxing district for the previous fiscal year.

(b) The report shall be based on information:

(1) submitted by the county, municipality, or special taxing district under § 16–103 of this subtitle; or

(2) provided by the State Retirement Agency.

§16–105.

(a) The governing body of each county shall publish annually, in at least one newspaper of general circulation in the county, a summary statement of the expenses of the county.

(b) The summary statement shall state that an itemized statement of county expenses is available for public inspection in the office of the governing body of the county during business hours.

(c) A clerk who fails to perform the requirements of subsection (a) of this section

shall forfeit $100.

(d) If the charter of a charter county or Baltimore City requires the publication of financial information in a manner that differs from the requirements of this section, the provisions of the charter control.

§16–106.

The budget and fiscal policies and purchasing laws of a county govern:

(1) the county board of elections;

(2) the State's Attorney's office in the county;

(3) the sheriff's office in the county;

(4) the county board of alcoholic beverages license commissioners; and

(5) except for the office of a clerk of court, the circuit court of the county.

§16–107.

(a) In this section, "reserve account" means a continuing, nonlapsing account or fund in which money is retained to support appropriations that have become unfunded.

(b) By ordinance or local law, after notice and hearing, a county may establish one or more reserve accounts.

(c) An ordinance or a local law that establishes a reserve account shall provide for:

(1) requirements for the accumulation of a fixed amount of money, a percentage of designated revenues, or both;

(2) the circumstances under which the account may be used; and

(3) the use of any earnings on the account.

§16–108.

(a) In this section, "governmental charge" means a tax, a fee, or any other charge that a county or municipality collects.

(b) (1) A governing body of a county or municipality may allow a governmental charge to be paid by credit or debit card.

(2) The governing body of a county or municipality shall determine:

(i) the governmental charges that may be paid by credit or debit

card; and

(ii) the types of credit or debit cards that will be accepted.

(c) (1) The governing body of a county or municipality may add a service charge to a governmental charge paid by a credit or debit card.

(2) The amount of the service charge:

(i) may not exceed the fee charged to the county or municipality for use of the credit or debit card; and

(ii) shall be determined at the time the governmental charge is paid.

(d) A county or municipality that allows governmental charges to be paid by credit or debit card shall provide notice with each property tax bill or other invoice for which payment by credit or debit card is authorized:

(1) that a credit or debit card may be used to pay the governmental charge;

(2) the types of credit and debit cards that may be used; and

(3) whether a service charge will be added to the governmental charge if a credit or debit card is used.

§16–109.

(a) This section applies only to commission counties.

(b) The county commissioners of a county shall:

(1) impose taxes on property within the county subject to taxation; and

(2) provide for the collection of the taxes.

(c) The imposition of taxes required under this section may be made by the county commissioners of a county wholly or partly by estimate.

(d) The county commissioners of a county shall use property tax revenue to:

(1) support the courts;

(2) compensate jurors and county or State witnesses;

(3) pay outpensions established by the county commissioners or by the trustees of the poor;

(4) pay the funeral expenses of the poor; and

(5) pay and discharge all claims on or against the county that have been expressly or impliedly authorized by law.

§16–110.

(a) This section applies to all counties except Baltimore City.

(b) The governing body of a county may impose a tax to provide funding to support the work of the soil conservation districts organized in its county under Title 8 of the Agriculture Article.

(c) The governing body of a county may make agreements for the use of money appropriated for a soil conservation district as the governing body considers advisable or necessary.

§16–111.

(a) This section applies to all counties except Baltimore City.

(b) The governing body of a county may receive, hold, and control in trust all money or other property that is given to the county in trust for the purpose of education.

(c) By resolution or otherwise, the governing body of a county may provide for the administration of the trust in the manner prescribed by the trust instrument.

(d) If the governing body of a county is neglectful in administering the trust, the State's Attorney of the county shall institute proceedings in the circuit court to compel the proper administration of the trust.

§16–112.

Each fiscal year, each county shall pay to each municipality in the county an amount of money equal to the amount received by the municipality for fiscal year 1967 to fiscal year 1968 under former Art. 81, § 30(d) of the Annotated Code, relating to apportionment of shares of taxes on banks and finance corporations.

§16–113.

(a) In Allegany County, an entity that provides water or sewer services to the public on a nonprofit basis shall have a lien against the property to which the service was supplied if the charges for the services are not paid.

(b) A lien under this section is subject to the requirements for a mechanic's lien on real property, including the requirement to record the lien among the appropriate land records.

§16–114.

(a) In this section, "common ownership community" means:

(1) a condominium organized under Title 11 of the Real Property Article;

(2) a homeowners association organized under Title 11B of the Real Property Article; or

(3) a cooperative housing corporation organized under Title 5, Subtitle 6B of the Corporations and Associations Article.

(b) By ordinance, Prince George's County may impose a fee to provide administrative hearing services for the resolution of disputes involving a common ownership community located in the county.

(c) Prince George's County may specify in the ordinance:

(1) which remedies must be exhausted before administrative hearing services may be utilized; and

(2) the process involved in the administrative hearing services.

§16–115.

(a) In Washington County, a county license or permit may not be issued or renewed until the County Treasurer and any municipality in which the applicant does business certify that there are no delinquent personal property taxes due from the applicant.

(b) By majority vote, the County Commissioners of Washington County may waive the requirement under this section.

§16–116.

(a) (1) In this section the following words have the meanings indicated.

(2) "Check" has the meaning stated in § 8–101 of the Criminal Law Article.

(3) "Insufficient funds" means insufficient funds as described in § 8–102 of the Criminal Law Article.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted under this section.

(c) (1) The County Commissioners of Washington County may impose a fee for each check that is presented in payment of any obligation to the county and is dishonored due to insufficient funds.

(2) The county commissioners shall determine the amount of the fee imposed under this section.

§16–201.

The county treasurer, comptroller, tax collector, or other similar officer of each county shall have the right to succession in that office.

§16–202.

(a) The annual salary of the County Treasurer of Calvert County is $52,020.

(b) (1) The County Treasurer of Calvert County shall appoint one deputy treasurer.

(2) The County Commissioners of Calvert County shall set the annual salary of the deputy treasurer.

(c) (1) An individual who serves as County Treasurer of Calvert County for at least three terms shall receive an annual pension when the individual leaves office of $150 for each year served.

(2) The pension shall be paid at least once per month.

(d) The County Commissioners of Calvert County shall:

(1) provide in its annual budget a pension of $150 per month to be paid to the surviving spouse of any county treasurer who served as of October 1974; and

(2) pay the pension for the life of the surviving spouse.

§16–203.

(a) The annual salary of the County Treasurer of St. Mary's County is:

(1) $50,000 for calendar year 2015;

(2) $50,500 for calendar year 2016;

(3) $51,005 for calendar year 2017; and

(4) $51,515 for calendar year 2018.

(b) The County Treasurer of St. Mary's County shall devote full time to the duties of office.

§16–205.

(a) (1) The annual salary of the County Treasurer of Washington County is:

(i) as set by the County Commissioners of Washington County under Title 28, Subtitle 2 of this article; or

(ii) any increased compensation authorized by the County Commissioners of Washington County.

(2) The County Treasurer shall determine the annual salaries of the deputy treasurer and employees in the office, subject to:

(i) the approval of the County Commissioners; and

(ii) any increased compensation authorized by the County Commissioners.

(b) The County Commissioners of Washington County shall pay the office expenses of the County Treasurer of Washington County.

§16–301.

Each county, municipality, and special taxing district shall adopt the fiscal year specified in § 16–101 of this title as its period for recording and reporting its fiscal transactions.

§16–302.

Each county, municipality, and special taxing district shall maintain its financial records by a method that allows for the recording and reporting of all information contained in them for the fiscal year adopted under § 16–301 of this subtitle.

§16–303.

(a) Each county, municipality, and special taxing district shall maintain the uniform system of financial reporting established by the Department of Legislative Services.

(b) If a county, municipality, or special taxing district does not comply with subsection (a) of this section, the Comptroller, after notice from the Executive Director of the Department of Legislative Services of the noncompliance, may order the discontinuance of all money, grants, or State aid that the county, municipality, or special taxing district is entitled to receive under State law, including money from:

(1) the income tax;

(2) the tax on racing;

(3) the recordation tax;

(4) the admissions and amusement tax; and

(5) the license tax.

§16–304.

(a) (1) Except as provided in paragraph (2) of this subsection, on or before October 31 after the close of its fiscal year, each county, municipality, and special taxing district shall file with the Department of Legislative Services a financial report for that fiscal year.

(2) (i) A county, municipality, or special taxing district with a population of over 400,000 may file its financial report on or before December 31 after the close of its fiscal year.

(ii) Unless subparagraph (i) of this paragraph applies, Howard County may file its financial report on or before November 30 after the close of its fiscal year.

(iii) Calvert County, Caroline County, Frederick County, Queen Anne's County, St. Mary's County, Talbot County, and Wicomico County may file the county's financial report on or before December 31 after the close of the county's fiscal year.

(b) The financial report required under subsection (a) of this section shall be:

(1) prepared on the form established by the Department of Legislative Services; and

(2) verified by the chief executive officer of the county, municipality, or special taxing district.

(c) If a county, municipality, or special taxing district does not comply with subsection (a) of this section, the Comptroller, on notice from the Executive Director of the Department of Legislative Services, may order the discontinuance of all money, grants, or State aid that the county, municipality, or special taxing district is entitled to receive under State law, including money from:

(1) the income tax;

(2) the tax on racing;

(3) the recordation tax;

(4) the admissions and amusement tax; and

(5) the license tax.

§16–305.

(a) Except as provided in subsection (b) of this section, each county, municipality, and special taxing district created by the State shall have its financial

records audited at least once each fiscal year by the persons and for the purposes specified in this section and §§ 16–307 and 16–308 of this subtitle.

(b) Unless the Legislative Auditor determines, on a case–by–case basis, that more frequent audits are required, the Legislative Auditor may authorize a municipality or a special taxing district created by the State with annual revenues of less than $250,000 in the prior 4 fiscal years to have an audit conducted once every 4 years.

(c) (1) The audit required under subsection (a) of this section shall be conducted by a certified public accountant:

(i) acting in the capacity of an independent auditor or an official auditor of a county or municipality; and

(ii) who is in compliance with the Maryland Public Accountancy Act.

(2) An official auditor must be approved by the Legislative Auditor to conduct the audit.

(3) In conducting the audit, the auditor shall examine the methods, accuracy, and legality of the financial records of the county, municipality, or special taxing district.

(d) (1) On the initiative of the Legislative Auditor, the Legislative Auditor may review or audit the financial records of any county, municipality, or special taxing district created by the State.

(2) A county, municipality, or special taxing district created by the State may request the Legislative Auditor to audit its financial records.

§16–306.

(a) The county, municipality, or special taxing district shall report the results of the audit required under § 16–305 of this subtitle to the Legislative Auditor:

(1) on the form and in the manner that the Legislative Auditor requires; and

(2) on or before the date the financial report of the county, municipality, or special taxing district must be filed under § 16–304(a) of this subtitle.

(b) An audit report filed by a county, municipality, or special taxing district with the Legislative Auditor shall include financial statements of the county, municipality, or special taxing district that are:

(1) prepared in accordance with generally accepted accounting principles; and

(2) audited in accordance with generally accepted auditing standards.

(c) An audit report filed with the Legislative Auditor is a public record.

(d) If a county, municipality, or special taxing district does not comply with subsection (a) or (b) of this section, the Comptroller, on notice from the Executive Director of the Department of Legislative Services, may order the discontinuance of all money, grants, or State aid that the county, municipality, or special taxing district is entitled to receive under State law that are distributed by the Comptroller, the clerks of the court, or any other unit of State government.

§16–307.

(a) (1) Each year the Legislative Auditor shall:

(i) review the audit reports required under § 16–306 of this subtitle; and

(ii) make a full and detailed written report to the Comptroller and, in accordance with § 2–1246 of the State Government Article, the Executive Director of the Department of Legislative Services on the result of the audit of the financial records of each county, municipality, and special taxing district created by the State.

(2) The report may include recommendations that the Legislative Auditor considers advisable relating to:

(i) methods of bookkeeping;

(ii) changes in the uniform system of financial reporting; and

(iii) changes in the reports of the counties, municipalities, and special taxing districts.

(b) (1) In conducting the review required under subsection (a) of this section, the Legislative Auditor may review the work papers and other documentation of the auditor who filed the audit report.

(2) The Legislative Auditor may refer audit reports, work papers, or other documentation reviewed by the Legislative Auditor to the State Board of Public Accountancy for action required by the Maryland Public Accountancy Act.

(c) The Legislative Auditor shall report any violation of this subtitle by a county, municipality, or special taxing district created by the State to the Comptroller and, in accordance with § 2–1246 of the State Government Article, to the Executive Director of the Department of Legislative Services.

§16–308.

(a) Each county shall adopt uniform rules and regulations for the auditing of the financial records of each special taxing district created by the county that:

(1) receives money collected by the county from a county property tax imposed at the request of the special taxing district;

(2) has annual expenditures exceeding $250,000; and

(3) has money disbursed and expended independently of the county government.

(b) At a minimum, the rules and regulations required under subsection (a) of this section shall require the audit to:

(1) be conducted by:

(i) a certified public accountant:

1. acting in the capacity of an independent auditor or an official auditor of the county; and

2. who is in compliance with the Maryland Public Accountancy Act; or

(ii) an auditing committee approved by the official auditor of the county;

(2) determine if tax funds have been received, deposited, and disbursed in accordance with approved appropriations and State and local law;

(3) include the following financial statements:

(i) a balance sheet;

(ii) a statement of revenues;

(iii) a statement of expenditures and encumbrances; and

(iv) a statement of changes in fund balance; and

(4) be completed and filed with the appropriate county officials not later than 90 days after the close of the fiscal year.

(c) For a special taxing district that is created by the county and has annual expenditures of less than $250,000, the county shall require:

(1) an annual financial report; and

(2) an audit every 4 years unless the county determines, on a case–by–case basis, that more frequent audits are required.

(d) If a special taxing district subject to subsection (a) or (c) of this section does not file a financial report or audit report required by the county, the county may withhold the distribution of taxes imposed on behalf of the special taxing district until the report is received.

(e) (1) When a county files its audit report with the Legislative Auditor as required by § 16–306 of this subtitle, the county also shall submit:

(i) a copy of each financial report and audit report received from each special taxing district subject to subsection (a) or (c) of this section; and

(ii) a report on the results of the county's review of each special taxing district's compliance with this section.

(2) The Legislative Auditor shall:

(i) review the financial reports, audit reports, and other information received from each county; and

(ii) submit recommendations as appropriate based on the results of the review.

§16–309.

(a) If the Legislative Auditor audits the financial records of a county, municipality, or special taxing district as provided in this subtitle, the county, municipality, or special taxing district shall pay the costs of the audit.

(b) (1) As soon as practical after completing an audit, the Legislative Auditor shall certify the total costs of the audit to the appropriate official of the county, municipality, or special taxing district.

(2) On receipt of the certification of costs, the official of the county, municipality, or special taxing district shall pay the Comptroller.

§16–401.

This subtitle shall be liberally construed.

§16–402.

A county or municipality may use the taxing and borrowing authority granted under this subtitle only for the general protection and preservation of the public safety, peace, health, and welfare by providing its destitute and unemployed residents with:

(1) assistance, food, shelter, supplies, necessities, and other relief, either

alone or in conjunction and cooperation with the State or federal government; or

(2) employment, either alone or as a part of a general State or federal government plan.

§16–403.

To exercise the authority granted under this subtitle, the governing body of a county or municipality shall enact a motion, a resolution, or an ordinance stating that the county or municipality has determined to exercise the authority granted under this subtitle and binds itself to fulfill all obligations incurred under this subtitle.

§16–404.

(a) A county or municipality that exercises the authority granted under this subtitle may impose a tax on property that is subject to the county's or municipality's property tax.

(b) A tax imposed under this section may not exceed:

(1) 3.2 cents on each $100 of assessment of real property; or

(2) 8 cents on each $100 of assessment of personal property and operating real property described in § 8–109(c) of the Tax – Property Article.

§16–405.

(a) This section does not apply to Baltimore City.

(b) A county or municipality may borrow money under this subtitle on its full faith and credit.

(c) A county or municipality may issue individual notes, certificates of debt, or other evidence of indebtedness for any amount borrowed under this subtitle.

(d) Subject to the limits in this subtitle, the governing body of a county or municipality shall determine:

(1) the manner, method, means, and conditions for borrowing money under this subtitle;

(2) the kind and character of the debt issued;

(3) the form and substance of the debt issued;

(4) the interest rate of the debt issued;

(5) the manner, method, or means of sale, both public or private, of the debt issued;

(6) when the money shall be borrowed; and

(7) when the debt shall be issued.

(e) A county or municipality may not incur debt under this subtitle in an aggregate amount that exceeds the total amount estimated to be raised by a property tax imposed by the county or municipality at a rate of 3.2 cents on each $100 of assessment.

(f) A debt incurred under this subtitle shall mature and be paid within 2 years after the date the debt was incurred.

(g) Subject to § 16–404(b) of this subtitle, a county or municipality that borrows money under this subtitle shall impose a property tax in an amount sufficient to repay the money borrowed, with interest, in full within 2 years after the date the debt was incurred.

§16–406.

The governing body of a county or municipality may exercise any incidental powers necessary to carry out the express powers granted in this subtitle.

§16–407.

The administration, expenditure, and accounting of all money raised, borrowed, or obtained by a county or municipality under this subtitle is subject to the control of the governing body of the county or municipality or the public body that the governing body designates.

§16–501.

(a) Subject to subsection (e) of this section, for each fiscal year, the Comptroller shall pay to an eligible county a grant in the amount determined under subsection (c)(3) of this section.

(b) A county may not receive a grant under subsection (a) of this section if the county's income tax rate was less than 2.6%:

(1) for the taxable year that ended in the second prior fiscal year; or

(2) for any subsequent taxable year through the taxable year that ends in the current fiscal year.

(c) (1) For each fiscal year, the Comptroller shall determine for each county:

(i) the county income tax collected from individuals for the taxable year that ended in the second prior fiscal year, based on tax returns filed through November 1 of the year following the applicable taxable year; and

(ii) the amount of county income tax that the county would have received if the county income tax rate was 2.54%.

(2) For each fiscal year, the Comptroller shall determine as rounded to the nearest cent:

(i) the per capita yield of the county income tax for each county, based on:

1. the population of the county as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

2. the amount specified in paragraph (1)(ii) of this subsection; and

(ii) the per capita statewide yield of the county income tax, based on:

1. the State population as last projected by the Department of Health and Mental Hygiene for July 1 of the applicable taxable year or the latest decennial census for the applicable taxable year; and

2. the amount of county income tax specified in paragraph (1)(ii) of this subsection for all counties.

(3) If the per capita yield of the county income tax for a county determined under paragraph (2)(i) of this subsection is less than 75% of the per capita statewide yield of the county income tax determined under paragraph (2)(ii) of this subsection, the Comptroller shall determine the amount that would increase the county per capita yield to equal 75% of the statewide per capita yield, as rounded to the nearest dollar.

(d) The Comptroller shall pay to an eligible county the amount determined under subsection (c)(3) of this section in quarterly payments during each fiscal year.

(e) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2011 and each subsequent fiscal year, the distribution provided to any county or Baltimore City under this section may not exceed the amount distributed to the county or Baltimore City for fiscal year 2010.

(2) (i) If a county or Baltimore City has a county income tax rate of at least 2.8% but less than 3%, the county or Baltimore City may receive a minimum of 20% of the amount determined under subsection (c)(3) of this section.

(ii) If a county or Baltimore City has a county income tax rate of at least 3% but less than 3.2%, the county or Baltimore City may receive a minimum of 40% of the amount determined under subsection (c)(3) of this section.

(iii) If a county or Baltimore City has a county income tax rate of at

least 3.2%, the county or Baltimore City may receive a minimum of 60% of the amount determined under subsection (c)(3) of this section.

§16–502.

(a) The intent of this section is to:

(1) reimburse Anne Arundel County for the supporting facilities and services that it provides for private development that is not related to aviation on State–owned land at Baltimore–Washington International Thurgood Marshall Airport; and

(2) eliminate any competitive advantage that Baltimore–Washington International Thurgood Marshall Airport might have over private property in attracting new development or construction.

(b) Notwithstanding the provisions of §§ 6–102, 7–211, and 7–401 of the Tax – Property Article, for all private development that is not related to aviation on State–owned land at Baltimore–Washington International Thurgood Marshall Airport, the State shall pay to Anne Arundel County annually an amount that:

(1) is agreed on by the Secretary of Transportation and the County Executive of Anne Arundel County; and

(2) does not exceed an amount equal to the local property taxes that would have been paid to Anne Arundel County if the private development were not constructed on State–owned land.

(c) To fund the payments required under subsection (b) of this section, the State shall charge a special user fee to the private development described in subsection (b) of this section.

(d) The Maryland Aviation Administration shall specify what constitutes private development that is not related to aviation on State–owned land at Baltimore–Washington International Thurgood Marshall Airport.

§16–503.

The Governor shall include in the budget bill for each fiscal year a General Fund appropriation for the following teacher retirement supplemental grants to the following counties:

(1) Allegany County – $1,632,106;

(2) Baltimore City – $10,047,596;

(3) Baltimore County – $3,000,000;

(4) Caroline County – $685,108;

(5) Dorchester County – $308,913;

(6) Garrett County – $406,400;

(7) Prince George's County – $9,628,702;

(8) Somerset County – $381,999; and

(9) Wicomico County – $1,567,837.

§16–504.

(a) If on or before January 1, 2020, the Federal Nuclear Regulatory Commission license for the Calvert Cliffs Nuclear Power Plant expires and is not extended or renewed, for each of the 5 taxable years following the expiration, the State shall pay as a grant to Calvert County an amount equal to the applicable percentage, specified in subsection (b) of this section, of the difference between:

(1) the product of multiplying $14,554,000 times the percentage specified for the taxable year under § 7–237(b) of the Tax – Property Article; and

(2) the sum of:

(i) $2,000,000; and

(ii) the county's property tax revenue for the taxable year derived from personal property that is machinery or equipment used to generate electricity for sale.

(b) For purposes of determining the amount of a grant provided under subsection (a) of this section, the applicable percentage is:

(1) 100% for the first taxable year;

(2) 80% for the second taxable year;

(3) 60% for the third taxable year;

(4) 40% for the fourth taxable year; and

(5) 20% for the fifth taxable year.

(c) For each taxable year for which a grant is provided under subsection (a) of this section, the Department of Assessments and Taxation shall determine and certify to the Comptroller Calvert County's property tax revenue for the taxable year that is derived from personal property that is machinery or equipment used to generate electricity for sale.

(d) The Comptroller shall pay to Calvert County the amount specified in subsection (a)(1) of this section in equal payments, at the end of each quarter of each taxable year for which a grant is payable.

§17–101.

(a) In this section, "State financial institution" means an institution that:

(1) has a branch in the State that takes deposits; and

(2) is:

(i) a bank incorporated under the laws of any state or the United States;

(ii) a trust company or savings bank incorporated under the laws of the State; or

(iii) a savings and loan association incorporated under the laws of the State or the United States.

(b) This section applies to the following governmental entities:

(1) the governing body of each county;

(2) the governing body of each municipality;

(3) each county board of education, including the Baltimore City Board of School Commissioners;

(4) each road, drainage, improvement, construction, or soil conservation district or commission;

(5) the Upper Potomac River Commission; and

(6) any other political subdivision or body politic and corporate of the State.

(c) Subject to Subtitle 2 of this title and notwithstanding any provision of local law or ordinance, a governmental entity or its authorized agent:

(1) in accordance with § 6–222 of the State Finance and Procurement Article may:

(i) invest and reinvest in obligations or repurchase agreements all unexpended money in any fund or account of which the governmental entity or its authorized agent has custody or control; and

(ii) sell, redeem, or exchange an investment or reinvestment made

under this item; or

(2) may deposit unexpended money in:

(i) an interest–bearing time deposit account or savings account at a federally insured bank or federally insured savings and loan association in the State; or

(ii) the Local Government Investment Pool established under § 17–302 of this title.

(d) Except as provided in subsections (e) and (f) of this section, a governmental entity or its authorized agent may deposit unexpended money in a federally insured bank or federally insured savings and loan association under subsection (b)(2)(i) of this section only if the bank or savings and loan association gives as security for the deposit collateral of a type specified in § 6–202 of the State Finance and Procurement Article.

(e) A governmental entity or its authorized agent may deposit unexpended money in a federally insured bank or federally insured savings and loan association without the security required under subsection (d) of this section if:

(1) the money is initially deposited in a State financial institution chosen by the depositor;

(2) the State financial institution arranges for the further deposit of the money into one or more certificates of deposit in an amount not exceeding the applicable Federal Deposit Insurance Corporation maximum insurance coverage limit, issued by one or more federally insured banks or federally insured savings and loan associations for the account of the depositor;

(3) when the money is deposited and the certificates of deposit are issued, the State financial institution receives deposits from customers of other banks or savings and loan associations in an amount at least equal to the amount of money initially deposited by the depositor;

(4) each certificate of deposit issued for the depositor's account is insured by the Federal Deposit Insurance Corporation for 100% of the principal of and accrued interest on the certificate of deposit; and

(5) the State financial institution acts as custodian for the depositor with respect to the certificates of deposit issued for the depositor's account.

(f) A governmental entity or its authorized agent may deposit unexpended money in a federally insured bank or federally insured savings and loan association without the security required under subsection (d) of this section if:

(1) the money is initially placed for deposit with a State financial institution chosen by the depositor to arrange for the redeposit of the money through

a deposit placement program that meets the requirements under this subsection;

(2) on or after the date that the money of the governmental entity is received, the State financial institution:

(i) arranges for the redeposit of the money into one or more deposit accounts, each in an amount of not more than the applicable Federal Deposit Insurance Corporation maximum insurance coverage limit, in one or more federally insured banks or federally insured savings and loan associations for the account of the depositor; and

(ii) acts as custodian for the depositor with respect to the money deposited into the accounts;

(3) any money of a governmental entity deposited into a State financial institution in accordance with this subsection and held by that State financial institution at the close of a business day that is in excess of the amount insured by the Federal Deposit Insurance Corporation is secured in accordance with this title;

(4) the full amount of the money of the governmental entity redeposited by the State financial institution into deposit accounts in federally insured banks or federally insured savings and loan associations under this subsection is insured by the Federal Deposit Insurance Corporation; and

(5) on the same date that the money of the governmental entity is redeposited under this subsection, the State financial institution receives an amount of deposits from customers of other banks or savings and loans in accordance with the deposit placement program that is at least equal to the amount of the money of the governmental entity redeposited by the State financial institution.

(g) (1) The interest or income from an investment or deposit made under this section:

(i) shall be credited to the fund from which the investment or deposit was made; and

(ii) may be invested or deposited as provided in this section.

(2) Notwithstanding paragraph (1) of this subsection, if the money invested or deposited under this section is from a fund that contains the proceeds of the issuance of bonds or other obligations, the issuer may use the interest or income from the investment or deposit to repay the principal of or interest on the bonds or other obligations.

(h) A governmental entity or its authorized agent may withdraw or alter an investment or deposit made under this section:

(1) to meet the requirements for which the money is held; or

(2) for reinvestment in accordance with this section.

§17–102.

(a) In this section, "other postemployment benefits" means:

(1) postemployment health care benefits; and

(2) postemployment benefits provided separately from a pension plan.

(b) Notwithstanding § 17–101 of this subtitle, the trustees or other officers in charge of a pension or retirement system or fund, other postemployment benefits fund, trust fund account, or fund for self–insurance purposes of a political subdivision of the State or a unit of a political subdivision of the State:

(1) may:

(i) invest and reinvest money in their custody or control as provided by a law enacted by the governing body of the political subdivision; and

(ii) sell, redeem, or exchange an investment or reinvestment made under this item; and

(2) shall comply with fiduciary standards that at least meet the standards in Title 21, Subtitle 2 of the State Personnel and Pensions Article in connection with money in their custody or control.

(c) (1) Notwithstanding any other law, a political subdivision of the State or a unit of a political subdivision of the State may enter into an agreement with a third party contractor or vendor for the management or investment of money intended for other postemployment benefits.

(2) An agreement entered into under this subsection includes the authority to:

(i) create pooled investments under the stewardship of:

1. a political subdivision of the State or a unit of a political subdivision of the State; or

2. a separate body under an agreement with a political subdivision of the State;

(ii) create one or more accounts to be managed in coordination with other funds or investments by a third party under an agreement with a political subdivision of the State; and

(iii) create distinct funding accounts for payment on behalf of employees of a unit of a political subdivision of the State under an agreement with the

political subdivision.

§17–103.

(a) This section applies to bond sale proceeds and other money that are:

(1) subject to arbitrage, rebate, or similar limitations under federal tax law; and

(2) in the custody or control of the controller, director of finance, or similar official of a charter county or Baltimore City.

(b) Notwithstanding any other law, the controller, director of finance, or similar official of a charter county or Baltimore City may:

(1) invest and reinvest bond proceeds and other money to which this section applies:

(i) in bonds, notes, or other obligations that are:

1. of investment grade quality as established by a nationally recognized rating agency; and

2. issued by or on behalf of a state or a unit, political subdivision, public corporation, special district, or authority of a state; and

(ii) directly or through a trust or fund that restricts investments to obligations of investment grade quality; and

(2) sell, redeem, or exchange an investment or reinvestment made under item (1) of this subsection.

§17–104.

(a) This section applies to the following governmental entities:

(1) the governing body of each county;

(2) the governing body or chief fiscal or administrative officer of each municipality;

(3) the governing body or chief fiscal or administrative officer of:

(i) each road, drainage, improvement, construction, or soil conservation district or commission; or

(ii) the Upper Potomac River Commission;

(4) each county board of education, including the Baltimore City Board of

School Commissioners;

(5) any other political subdivision or body politic and corporate of the State;

(6) a unit of a political subdivision of the State; and

(7) the trustees or other officers in charge of a pension or retirement system or fund of:

(i) the State;

(ii) a political subdivision of the State; or

(iii) a unit of the State or of a political subdivision of the State.

(b) Notwithstanding any other law, when a governmental entity is required or authorized to invest in, purchase, or take as collateral a bond, an obligation, or any other evidence of indebtedness of the United States, the governmental entity may invest in, purchase, or take as collateral an obligation or security of or other interest in an open–end or closed–end management type investment company or investment trust registered under the federal Investment Company Act of 1940, 15 U.S.C. § 80A–1 et seq., if:

(1) the portfolio of the investment company or investment trust is limited to:

(i) direct obligations of the United States; and

(ii) repurchase agreements that are fully collateralized by obligations of the United States; and

(2) the investment company or investment trust takes delivery of the collateral directly or through an authorized custodian.

§17–201.

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

(b) "Financial officer" means the treasurer or other financial officer of a governmental entity who is responsible for the investment of public funds or the issuance and management of debt of the governmental entity.

(c) "Governing authority" means:

(1) for Baltimore City, the Baltimore City Board of Estimates;

(2) for a commission county, the county commissioners;

(3) for a charter county, as provided by local law, the county council or the county executive and the county council;

(4) for a code county, the county commissioners;

(5) for a community college, the board of trustees;

(6) for a municipality, the body provided by the municipal charter;

(7) for the Washington Suburban Sanitary Commission, the Commission;

(8) for a public corporation, the board of directors; and

(9) for an authority, the board of the authority.

(d) (1) Except as provided in paragraph (2) of this subsection, "public money" means any money held by a governmental entity.

(2) "Public money" does not include money held as part of a pension fund, a fund for other postemployment benefits, as defined in § 17–102(a) of this title, or a trust fund account or for self–insurance purposes.

§17–202.

To the extent of any conflict, this subtitle and the local government investment guidelines adopted by the State Treasurer under this subtitle supersede:

(1) any local law, including a charter provision; and

(2) any other public general law.

§17–203.

This subtitle applies to the following governmental entities:

(1) each county;

(2) each municipality;

(3) each community college other than the Baltimore City Community College;

(4) each regional community college established under Title 16, Subtitle 2 of the Education Article;

(5) the Washington Suburban Sanitary Commission;

(6) a public corporation authorized to issue debt; and

(7) an authority of the State authorized to issue debt.

§17–204.

(a) After consulting with the governmental entities, the State Treasurer shall adopt by regulation local government investment guidelines to govern the investment of public money by the entities in a manner that:

(1) facilitates sound cash management;

(2) protects the public; and

(3) ensures that each entity has access to its public money.

(b) The local government investment guidelines shall:

(1) specify the types of investments in which public money may be invested;

(2) include guidance for the prudent investment of public money based on cash flow projections, income, liquidity, investment ratings, and risk;

(3) require that investments by a county board of education and a county board of library trustees comply with the local investment policy of the county; and

(4) prohibit the borrowing of money for the express purpose of investment.

§17–205.

(a) The governing authority of each governmental entity shall adopt by resolution a local investment policy that:

(1) meets the needs of the governmental entity; and

(2) is consistent with the local government investment guidelines adopted by the State Treasurer under § 17–204 of this subtitle.

(b) Promptly after the adoption of a local investment policy, the governmental entity shall mail a certified copy to the State Treasurer.

(c) If the State Treasurer determines that the local investment policy is not consistent with the local government investment guidelines adopted by the State Treasurer under § 17–204 of this subtitle:

(1) the State Treasurer shall notify the governmental entity; and

(2) the governing authority shall prepare and submit a revised local investment policy that is consistent with the local government investment guidelines.

(d) If the governing authority amends the governmental entity's local investment policy, the governmental entity shall submit the new local investment policy to the State Treasurer in accordance with subsection (b) of this section.

§17–206.

A financial officer may not invest public money of a governmental entity in a manner that is inconsistent with the entity's local investment policy.

§17–207.

(a) (1) Each governmental entity shall adopt by resolution, motion, or ordinance a local debt policy that:

(i) is consistent with the Maryland Constitution and all applicable State and local laws; and

(ii) meets the needs of the governmental entity.

(2) Promptly after the adoption of a local debt policy, the governmental entity shall mail a certified copy to the State Treasurer.

(3) If the State Treasurer determines that the local debt policy is not consistent with the Maryland Constitution or any applicable State or local law:

(i) the State Treasurer shall notify the governmental entity; and

(ii) the governmental entity shall prepare and submit a revised local debt policy.

(b) If the governmental entity amends its local debt policy, the governmental entity shall submit its revised policy to the State Treasurer in accordance with subsection (a) of this section.

§17–208.

(a) The State Treasurer shall contact the governmental entity to seek compliance if a governmental entity does not maintain a local investment policy or local debt policy as required by this subtitle.

(b) On request of the State Treasurer, a financial officer shall provide to the State Treasurer, in the format and time frame requested:

(1) a report of the investment portfolio of the governmental entity; or

(2) a report of the debt portfolio of the governmental entity in the format required under § 16–103 of this article.

(c) If, after being contacted by the State Treasurer, a governmental entity does

not comply with this section, the State Treasurer shall notify the Joint Committee on the Management of Public Funds in writing.

(d) The Joint Committee on the Management of Public Funds may request the Attorney General to seek judicial enforcement of this subtitle against the governmental entity.

§17–301.

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

(b) "Authorized participant" means:

(1) the governing body of each county or municipality;

(2) a county board of education;

(3) the governing body of each road, drainage, improvement, construction, or soil conservation district or commission in the State;

(4) the Upper Potomac River Commission;

(5) any other political subdivision or body politic and corporate of the State;

(6) a local government insurance pool formed under Title 19, Subtitle 6 of the Insurance Article; or

(7) on approval of the State Treasurer, a unit of State government or an entity created by the State if the funds of the unit or entity are not State money over which the Treasurer has investment authority.

(c) "Pool" means the Local Government Investment Pool.

§17–302.

There is a Local Government Investment Pool.

§17–303.

The Pool consists of:

(1) money of authorized participants that is deposited in the Pool; and

(2) money of the State that is deposited in the Pool by the State Treasurer.

§17–304.

(a) The State Treasurer shall administer the Pool on behalf of:

(1) authorized participants; and

(2) to the extent that State money is included in the Pool, the State.

(b) The State Treasurer shall develop procedures necessary to administer the Pool efficiently, including:

(1) specification of the minimum and maximum amounts that may be deposited by any authorized participant in the Pool and minimum periods of time for which deposits must be retained in the Pool;

(2) payment of administrative expenses from the earnings of the Pool; and

(3) distribution of earnings in excess of expenses or allocation of losses to authorized participants in a manner that equitably reflects the amount and duration of each authorized participant's investments in the Pool.

§17–305.

(a) The State Treasurer shall establish investment policies for the Pool.

(b) Subject to the objectives and requirements of this part, the State Treasurer shall establish procedures for:

(1) the investment and reinvestment of money in the Pool; and

(2) the acquisition, retention, management, and disposition of investments of the Pool.

(c) (1) The State Treasurer shall invest money in the Pool in accordance with §§ 6–222 and 6–223 of the State Finance and Procurement Article.

(2) Notwithstanding any other law, the State Treasurer may:

(i) invest and reinvest money in the Pool in bankers' acceptances guaranteed by banks; and

(ii) sell, redeem, or exchange an investment or reinvestment made under this paragraph.

(d) Except as otherwise provided in this part, the State Treasurer shall retain custody of all instruments of title to all investments of the Pool.

(e) (1) The State Treasurer may deposit with one or more fiscal agents or banks any instruments of title to investments of the Pool that the State Treasurer considers advisable.

(2) A fiscal agent or bank shall hold any instruments of title deposited with the agent or bank for collection of:

(i) the principal of and interest or other income from the investments; or

(ii) the proceeds of sale of the investments.

(f) The State Treasurer shall collect the principal of and interest or other income from investments of the Pool, the instruments of title to which are in the State Treasurer's custody, when due and payable.

§17–306.

(a) The State Treasurer may:

(1) contract with a qualified Maryland fiscal agent; and

(2) compensate the fiscal agent for services rendered.

(b) The fiscal agent may perform administrative and investment services that the State Treasurer performs under this part.

§17–307.

Except for State money, money deposited in the Pool is not money of the State.

§17–308.

(a) The governing authority of an authorized participant may direct its financial officer to remit to the State Treasurer for investment in the Pool money that:

(1) is available for investment; and

(2) is not required, by law or a covenant or agreement with bondholders or others, to be segregated and invested in a different manner.

(b) The governing authority of an authorized participant having money intended for other postemployment benefits that are available for investment, as authorized under § 17–102 of this title, may direct its financial officer to remit that money to the State Treasurer for investment in the Pool.

(c) (1) If the governing authority of an authorized participant determines that it is in the best interest of the authorized participant to deposit money in the Pool, the governing authority shall:

(i) adopt a resolution or ordinance authorizing the deposit; and

(ii) file a certified copy of the resolution or ordinance with the State Treasurer accompanied by a statement of the approximate cash flow requirements of the authorized participant for the invested money.

(2) The resolution or ordinance shall indicate the official of the authorized participant who is responsible for depositing money in and withdrawing money from the Pool.

(d) Each subsequent deposit of money into the Pool shall be accompanied by a statement of:

(1) the intended duration of the investment; or

(2) the anticipated date of withdrawal of the money from the Pool.

§17–309.

(a) The State Treasurer shall maintain a separate account designated by name or number for each authorized participant in the Pool, including the State, to record the individual transactions and totals of all investments of each authorized participant.

(b) At least monthly, the State Treasurer shall credit accumulated income to each authorized participant's account.

(c) (1) The State Treasurer shall provide to each authorized participant a monthly report of the changes in investments made during the preceding month.

(2) On request, the State Treasurer shall provide a detailed report of any transaction relating to an investment of an authorized participant.

(d) On request, the State Treasurer shall pay from the Pool the principal and credited income of an account maintained for an authorized participant if the request conforms to the terms of the deposit.

(e) (1) The State Treasurer may not make a payment from an account of an authorized participant in an amount that exceeds the total amount of money in the account.

(2) The payee shall refund any excess amount paid.

§17–312.

There is a Montgomery County Investment Pool.

§17–313.

(a) The Montgomery County Investment Pool consists of money deposited in the Pool for investment purposes by:

(1) Montgomery County;

(2) other local governments; and

(3) public and nonprofit entities.

(b) The Montgomery County Investment Pool may not accept money from an entity that was not a participant in the Pool on July 1, 1996.

§17–314.

The Montgomery County Investment Pool shall be:

(1) administered by the Montgomery County Director of Finance; and

(2) managed in accordance with the local investment policy adopted by Montgomery County under § 17–205 of this title.

§18–101.

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

(b) "Authority" means a parking authority established under this subtitle.

(c) "Bond" means a revenue bond issued by an authority under this subtitle.

(d) "Property" includes any interest in real or personal property.

§18–102.

(a) The General Assembly finds that:

(1) unemployment conditions exist in certain areas of the State;

(2) the establishment of vehicle parking facilities under this subtitle is necessary to relieve the unemployment conditions and establish a balanced economy in these areas; and

(3) the present and prospective health, happiness, safety, right of gainful employment, and general welfare in these areas will be promoted by the establishment of vehicle parking facilities under this subtitle.

(b) The General Assembly recognizes that, for certain areas of the State, this subtitle is necessary to:

(1) relieve unemployment conditions;

(2) encourage industrial growth and a balanced economy;

(3) help retain existing industries;

(4) promote economic development; and

(5) promote health, welfare, and safety.

§18–103.

This subtitle applies only to Baltimore City, Montgomery County, and Prince George's County.

§18–104.

A county may create a body politic and corporate known as the "Parking Authority of (insert name of county)".

§18–105.

To create an authority, a county shall:

(1) pass a local law that establishes the charter for the authority; and

(2) file the charter with the Department of Assessments and Taxation, the Department of Legislative Services, and the Secretary of State.

§18–106.

A county may:

(1) amend the authority's charter through local law if the amendment is filed with the Department of Assessments and Taxation, the Department of Legislative Services, and the Secretary of State; or

(2) change the structure or activity of or terminate the authority, unless the change or termination would impair an obligation of the authority under a pre–existing contract.

§18–107.

(a) An authority consists of five members.

(b) By local law, a county shall establish residency requirements, means of appointment, qualifications, and terms of office for a member.

(c) Officers and employees of an authority shall be appointed as provided by local law.

§18–108.

(a) An authority has the powers granted to it by local law, consistent with this subtitle, to allow it to carry out this subtitle.

(b) An authority may:

(1) use a common seal;

(2) sue and be sued; and

(3) perform corporate acts necessary to carry out this subtitle.

(c) By local law, a county shall establish the budgetary and financial procedures of an authority.

(d) (1) An authority may adopt, in the manner provided by local law, rules and regulations for the operation and use of property and facilities under its jurisdiction.

(2) A person who violates a rule or regulation adopted by an authority is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 180 days or a fine not exceeding $1,000 or both.

§18–109.

A county may authorize an authority to:

(1) acquire by purchase, lease, or other legal means, but not by eminent domain, property of any kind in the county;

(2) establish, construct, alter, improve, equip, repair, maintain, operate, and regulate a facility for parking vehicles that is on, under, or in any property owned by the county or the authority; and

(3) establish and collect fees for the use of the property.

§18–110.

Property owned or controlled by an authority is exempt from all taxation by the State, a political subdivision, or any other public unit.

§18–111.

The net earnings of an authority, other than those necessary to pay debt services or implement the public purposes of this subtitle, may not be used for the benefit of a person.

§18–112.

On termination of an authority, all property, obligations, and assets of the authority become the property, obligations, and assets of the county.

§18–113.

An act of an authority may not be challenged on the basis of the absence of qualifications of a member of the authority if the member has:

(1) been appointed by the appropriate entity designated by local law; and

(2) taken the oath of office.

§18–114.

(a) To carry out the purposes of this subtitle, an authority may issue revenue bonds to finance the cost of:

(1) acquiring property; or

(2) establishing, constructing, altering, improving, or equipping a facility.

(b) Each bond issue shall be authorized by a resolution approved by a vote of at least four members of the authority.

(c) An authority shall determine that a bond issue is necessary to achieve one or more of the authority's purposes before issuing bonds under this section.

(d) The resolution authorizing the bond issue shall include:

(1) the determination that a bond issue is necessary;

(2) a statement that the authority will acquire the vehicle parking facility or related project in accordance with this subtitle and local law;

(3) a determination of the probable useful life of the project or average probable useful life of the projects to be financed;

(4) an estimate of the cost of the project to be financed and the portion to be defrayed from any sources that shall be specifically named, other than the proposed bond issue;

(5) the procedure for the sale of the proposed bond issue;

(6) a description sufficient for purposes of identification of each of the projects to be financed by the bond issue; and

(7) a finding that the amount of the proposed bond issue is sufficient to complete at least a useful portion of each project to be financed.

(e) Notwithstanding any other provision of the Code or any recitals of the bond, the bonds are negotiable instruments.

§18–115.

(a) If bonds are issued for projects having different probable useful lives, the authority shall consider the amount of the bonds to be issued for each project when it determines the average probable useful life of the projects.

(b) The determination under this section by an authority of probable useful life of the project or average probable useful life of the projects is conclusive.

§18–116.

By local law consistent with this subtitle, a county shall determine matters related to the authorization, issuance, sale, delivery, and payment of bonds, including:

(1) issue date;

(2) maturity;

(3) interest rate;

(4) terms;

(5) form;

(6) denomination;

(7) manner of execution;

(8) place of payment;

(9) redemption;

(10) refunding;

(11) sale price;

(12) manner of sale; and

(13) security.

§18–117.

By local law, a county may guarantee the bonds as to payment of principal, interest, and any redemption premium by the full faith and credit of the county.

§18–118.

Bonds, the borrowing that they represent, the project being financed, or the guarantee of the county with respect to payment of the principal, interest, and redemption premium are not subject to any referendum requirements under a county charter or local law.

§18–119.

Bonds are exempt from the conditions of sale requirements under §§ 19–205 and

19–206 of this article.

§18–120.

Bonds, transfer of the bonds, and the interest payable and income derived from the bonds are exempt from all State, county, and municipal taxation.

§18–121.

This subtitle is the Parking Authorities Act.

§18–201.

In this subtitle, "Convention Center" means the Roland E. Powell Convention Center.

§18–202.

The Mayor and City Council of Ocean City shall operate the Convention Center.

§18–203.

(a) The Mayor and City Council of Ocean City may:

(1) employ and set the salaries for a Convention Center manager and other necessary personnel;

(2) accept donations or grants for the maintenance and operation of the Convention Center;

(3) receive aid for the Convention Center from the federal government, the State, counties, or municipalities;

(4) set reasonable fees for the use of the Convention Center facilities;

(5) grant, on the basis of competitive bidding, concessions on the premises of the Convention Center for the sale of food or beverages, including, subject to Article 2B of the Code, alcoholic beverages; and

(6) perform any act necessary to operate the Convention Center.

(b) The Mayor and City Council of Ocean City shall:

(1) keep records of the Convention Center consistent with sound business practice;

(2) conduct an audit of the accounts of the Convention Center at the end of each calendar or fiscal year; and

(3) submit to the Board of Public Works a detailed annual report on the activities and finances of the Convention Center.

§18–204.

The Convention Center is exempt from State and local taxes.

§18–205.

The State may not spend any money for capital improvements or capital repairs to the Convention Center.

§18–206.

A name given to a section of the Convention Center by the Board of Public Works may be changed only by the Board.

§18–301.

(a) Subject to subsection (b) of this section, a political subdivision may use federal or State financial assistance for commercial or industrial redevelopment projects to make grants or loans, or to guarantee loans, to private entities.

(b) The authority granted under this section:

(1) may be used only for commercial or industrial redevelopment projects; and

(2) may not be used for a residential or housing project.

§19–101.

(a) (1) In authorizing the sale of municipal bonds, the governing body of a county, the commissioners of finance for Baltimore City, and the commissioners of the Washington Suburban Sanitary Commission, by resolution, may provide that loans authorized to be incurred and bonds authorized to be sold by separate acts of enabling legislation be consolidated for sale and issued, sold, and delivered as a single issue of bonds, regardless of when the enabling legislation authorizing any loan or the sale of any bonds evidencing a loan was enacted.

(2) A resolution under paragraph (1) of this subsection is not a legislative act.

(b) (1) A consolidated issue of municipal bonds made under this section shall be designated as consolidated public improvement bonds of the issuing authority of the year in which the bonds are to be dated.

(2) A resolution authorizing the issuance and sale of consolidated public improvement bonds may specify all matters relating to the advertisement, sale,

issuance, delivery, and payment of the bonds, including:

(i) the forms, dates, and denominations of the bonds;

(ii) the principal maturities;

(iii) the methods to be used in determining interest payable on the bonds; and

(iv) any provisions for:

1. registration;

2. redemption before stated maturity; and

3. the use of facsimile signatures or seals.

(c) (1) Notice of the public sale of consolidated public improvement bonds:

(i) shall be made at least once in a newspaper of general circulation in the county, Baltimore City, or the Washington Suburban Sanitary District; and

(ii) also may be made in a newspaper which circulates primarily among bankers and investors.

(2) At least one notice of public sale shall be made at least 10 days before the sale.

(d) After deduction of the expenses of the sale of consolidated public improvement bonds, the net proceeds shall be applied in the manner and for the purposes designated in the separate underlying acts of enabling legislation.

(e) The provisions of this section supersede any inconsistent provision of law.

§19–102.

(a) This section applies to a financial officer who is entrusted with the duty of investing the sinking funds or other funds accumulated or to be accumulated for the retirement of debts or other obligations of a county, municipality, public corporation, special district, or political subdivision of the State.

(b) If a State or local law requires a financial officer to invest any portion of a sinking fund or other funds accumulated or to be accumulated for the retirement of debts or other obligations, the financial officer shall invest the funds in the following classes of securities:

(1) the bonds or other obligations for the retirement of which the sinking fund is or will be created;

(2) the bonds, stock, or other valid obligations of the State or of any county, municipality, public corporation, special district, or other political subdivision of the State;

(3) the bonds or other obligations of the United States;

(4) United States Treasury Certificates; or

(5) bonds of any public corporation or other body, guaranteed as to payment of principal and interest by the United States.

(c) If a financial officer purchases a security under subsection (b) of this section at a premium, the financial officer shall make adjustments out of the interest received from the security to reimburse any sinking fund in the custody of the financial officer for the premium paid before the maturity of the security.

(d) A security purchased under subsection (b) of this section that may be registered shall be registered in the name of the financial officer for the purpose for which the security is purchased.

(e) (1) Pending investment or reinvestment, a financial officer shall deposit any uninvested money or other funds belonging to a sinking fund described in subsection (a) of this section in a banking institution or trust company located in the State.

(2) The financial officer shall demand adequate security from the banking institution or trust company for the amount of the deposit in excess of the guarantee of the Federal Deposit Insurance Corporation.

(3) The security may consist of:

(i) any of the classes of securities listed in subsection (b) of this section; or

(ii) a surety bond of a corporate surety company qualified to do business in the State.

(4) A deposit may not be made unless security is provided in accordance with this subsection.

§19–103.

(a) (1) Any charter provision of Anne Arundel County or Prince George's County that requires or has the effect of requiring the county to pledge unlimited taxing powers, as to either the rate or amount, for the repayment of county debt may not be given effect if any later adopted charter provision is inconsistent with the pledge.

(2) Paragraph (1) of this subsection applies to all bonds issued by Anne Arundel County or Prince George's County before June 30, 1981.

(b) To secure the payment of the principal of and interest on debt, Anne Arundel County or Prince George's County, by charter provision or legislative act, may:

(1) create, pledged for payment of principal of and interest on debt:

(i) a sinking fund;

(ii) a debt service fund;

(iii) a debt service reserve fund; or

(iv) any other trust fund, including a fund held by a corporate trustee;

(2) if sufficient money for the timely payment of principal of and interest on debt is not available or if there is a default in payment, provide that the first received general fund revenues of the county shall be applied to payment of principal of and interest on debt in an amount sufficient to:

(i) make a payment when due; or

(ii) cure the default; and

(3) pledge any county revenue to pay principal of and interest on the debt.

(c) A charter provision of Anne Arundel County or Prince George's County may not impair or be construed to impair the obligation of the county to impose and collect taxes to provide for the payment when due of principal of and interest on bonds of the county, or on bonds guaranteed by the county, if:

(1) the county has pledged unlimited taxing powers to the bonds; and

(2) the bonds are outstanding on the effective date of the charter provision.

§19–104.

The County Commissioners of Calvert County:

(1) may charge a fee for the issuance of tax–exempt private activity bonds; and

(2) shall dedicate the proceeds of the fee to the Economic Development Loan Fund of the county.

§19–105.

The governing body of Frederick County shall establish and maintain a bond

rating enhancement reserve.

§19–106.

Notwithstanding any other law, the pledge of any bonds or obligations issued on the full faith and credit of Harford County or any general obligation bonds of the State shall be accepted as sufficient collateral for the deposit of any money of Harford County.

§19–201.

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

(b) (1) "Bond" means an obligation for the payment of money, by whatever name known or source of funds secured, issued by a governmental entity under general or special statutory authority.

(2) "Bond" includes:

(i) a bond;

(ii) a certificate of indebtedness;

(iii) an interim certificate; and

(iv) a note.

(c) "Enabling act" means a law that authorizes a governmental entity to create a debt and sell bonds to evidence that debt.

§19–204.

(a) This section applies only to the following governmental entities:

(1) a county;

(2) a municipality;

(3) a public corporation of the State;

(4) a sanitary commission or district; and

(5) a unit, public corporation, or other instrumentality of a county or a municipality.

(b) Notwithstanding any other law, a governmental entity authorized to issue bonds may issue bonds in a form that qualifies as a registered form under §§ 103 and 149 of the Internal Revenue Code or a regulation adopted under those sections.

(c) Whenever a governmental entity provides for the sale of bonds in registered

form, the governmental entity may:

(1) establish procedures for the registration and transfer of the bonds;

(2) appoint any agent, including an authenticating trustee, corporate trustee, paying agent, registrar, or transfer agent;

(3) in connection with the establishment and maintenance of a central depository system for the transfer or pledge of the bonds, make agreements with:

(i) custodian banks and their nominees; or

(ii) financial intermediaries and their nominees; and

(4) exercise any other power that relates to issuance of bonds in registered form.

§19–205.

(a) (1) Except as provided in paragraph (2) of this subsection, this section applies only to the following governmental entities:

(i) a county;

(ii) a public corporation or other political subdivision of the State; or

(iii) an instrumentality or agency of a county, public corporation, or other political subdivision of the State.

(2) This section does not apply to the following governmental entities:

(i) Baltimore City;

(ii) a municipality; or

(iii) a housing authority under Division II of the Housing and Community Development Article.

(b) (1) This section does not apply if the total principal amount of the authorized issue is $25,000 or less.

(2) This section does not apply to a bond that:

(i) matures within 1 year after the date of issue and is issued:

1. in anticipation of taxes;

2. to meet current expenses; or

3. to meet an emergency;

(ii) is sold to the United States or a unit or instrumentality of the United States;

(iii) is issued under a plan of composition approved in a proceeding under Chapter IX of the United States Bankruptcy Act; or

(iv) is issued under any other plan to refund or refinance in exchange, bond for bond, for an outstanding maturing debt, other than:

1. a current or floating debt; or

2. a bond under item (i) of this paragraph.

(3) This section does not apply if:

(i) the proceeds of the sale of bonds are to be used with a grant from the United States or a unit or instrumentality of the United States to finance public works; and

(ii) in the opinion of the Attorney General, the agreement or other writing referring to the grant conditions the grant on the prior execution, by the governmental entity and a prospective buyer, of a contract for the sale of the bonds when issued.

(4) This section does not apply to bond or grant anticipation notes issued under Part III of this subtitle.

(5) This section does not apply to a bond issued under an enabling act that:

(i) states that this section does not apply; or

(ii) provides a different method for the sale of the bonds.

(c) A governmental entity shall offer bonds at a public sale.

(d) (1) A governmental entity shall give notice of a public sale of bonds at least twice in at least one newspaper of general circulation in the area in which the governmental entity is located.

(2) The first publication shall appear at least 10 days before the date of the sale.

(3) The notice shall:

(i) be in the form required in the ordinance or resolution that authorizes the issuance of the bonds;

(ii) state the date, time, and place of the public sale;

(iii) reference the enabling act that authorized the bonds;

(iv) state the date of issue;

(v) state the total principal amount;

(vi) state the schedule of maturities;

(vii) state the interest payable or the manner of determining the interest;

(viii) state the purpose for which the proceeds will be used;

(ix) describe the general form of the bonds, including whether the bonds will be:

1. in coupon or registered form; and

2. registrable as to principal or interest or both;

(x) state that each bid must be made in writing by sealed proposal; and

(xi) state the amount of the good faith deposit that the governmental entity has determined must accompany the bid.

(4) The notice may reserve to the governmental entity the right to reject any or all bids.

(e) Except as provided in subsection (f) of this section, the governmental entity shall sell the bonds to the highest bidder or bidders at the public sale.

(f) (1) If the governmental entity has reserved the right to reject bids and does reject all bids, the governmental entity, within 30 days after rejecting all the bids, may sell the bonds at a private sale for not less than the highest amount bid by an acceptable bidder at the public sale.

(2) If the governmental entity fails to sell the bonds at a private sale within the 30–day period under paragraph (1) of this subsection, the governmental entity may sell the bonds only at another public sale after notice as required in subsection (d) of this section.

§19–206.

(a) (1) Except as provided in paragraph (2) of this subsection, this section applies only to the following governmental entities:

(i) a county;

(ii) a public corporation or other political subdivision of the State; or

(iii) an agency or instrumentality of a county, public corporation, or other political subdivision of the State.

(2) This section does not apply to the following governmental entities:

(i) Baltimore City;

(ii) a municipality; or

(iii) a housing authority under Division II of the Housing and Community Development Article.

(b) (1) This section does not apply to a bond that:

(i) matures within 1 year after the date of issue and is issued:

1. in anticipation of taxes;

2. to meet current expenses; or

3. to meet an emergency;

(ii) is sold to the United States or a unit or instrumentality of the United States;

(iii) is issued under a plan of composition approved in a proceeding under Chapter IX of the United States Bankruptcy Act; or

(iv) is issued under any other plan to refund or refinance in exchange, bond for bond, for an outstanding maturing debt, other than:

1. a current or floating debt; or

2. a bond under item (i) of this paragraph.

(2) This section does not apply to bond or grant anticipation notes issued under Part III of this subtitle.

(3) This section does not apply to a bond issued under an enabling act that:

(i) states that this section does not apply; or

(ii) provides a different method for establishing the maturity of the bond.

(c) (1) A governmental entity shall issue bonds on a serial maturity plan.

(2) The governmental entity may:

(i) vary the amounts of the series; and

(ii) provide for the maturity of a series in consecutive annual installments or at longer intervals.

(d) (1) The maturity date of the final series shall be based on the purpose for which the bonds are issued:

(i) within the time limit that applies under the schedule in paragraph (2) of this subsection; or

(ii) if more than one time limit applies, within the shortest applicable time limit.

(2) The schedule of maturity dates is as follows:

Limit on Purpose of Issue	Maturity of Issue
Paving existing highways or streets	10 years
Airports and buildings constructed or to be constructed thereon	15 years
Highway construction	20 years
Electric light and power systems	25 years
Gas systems	25 years
Grade crossing eliminations	25 years
Harbor improvements	25 years
School construction	25 years
All other permanent structures of durable materials	25 years
Bridges	30 years
Land acquired for permanent improvements	40 years
Sewerage installation	40 years
Water systems	40 years

§19–207.

(a) This section applies only to the following governmental entities:

(1) a county;

(2) a municipality;

(3) a public corporation of the State;

(4) a sanitary commission or district, but not including the Washington Suburban Sanitary Commission; and

(5) a unit, public corporation, or other instrumentality of a county or municipality.

(b) (1) Subject to the limitations in this section, a governmental entity authorized to issue bonds may issue new bonds to refund its outstanding bonds.

(2) A single county, bicounty, or multicounty agency or instrumentality may not issue refunding bonds without the prior approval of the governing body of each county involved.

(c) (1) The power to issue bonds under this section is in addition to any other power to borrow.

(2) If bonds to be refunded are secured as unconditional general obligations with a pledge of the full faith and credit and unlimited taxing power of the governmental entity, the governmental entity may secure an issue of refunding bonds as unconditional general obligations with a pledge of the full faith and credit and unlimited taxing power of the governmental entity in the same manner and, with respect to the application of any public general and public local law and otherwise, with the same force and effect as the original pledge.

(d) A governmental entity may issue bonds under this section only for the public purpose of:

(1) realizing for the governmental entity a savings in the total cost of debt service on a direct comparison or present value basis;

(2) debt restructuring that reduces the total cost of debt service; or

(3) debt restructuring that the governmental entity determines:

(i) is in its best interests;

(ii) is consistent with its long–term financial plan; and

(iii) realizes a financial objective of the governmental entity,

including improvement of the relationship of debt service to any source of payment such as taxes, assessments, or other charges.

(e) A governmental entity may:

(1) provide that bonds under this section be in one or more series; and

(2) vary the amount of the series.

(f) (1) The total principal amount of the bonds issued under this section may exceed the total principal amount of the bonds that are being refunded.

(2) To determine whether the bonds under this section are within any limit on debt that applies to the governmental entity:

(i) the amount of the bonds that are being refunded shall be subtracted from its total outstanding debt; and

(ii) the amount of the bonds issued under this section shall be added to the difference.

(g) (1) Except as provided in paragraphs (2) and (3) of this subsection, a governmental entity shall issue bonds under this section in accordance with the procedures that applied to issuance of the bonds that are being refunded.

(2) If, at a public meeting, the governmental entity determines that it would be in the public interest, the governmental entity may sell bonds issued under this section at a private sale, without soliciting bids.

(3) Baltimore City may issue bonds to the extent authorized by the Maryland Constitution, to refund obligations previously issued in accordance with the procedures set forth in Article XI, § 7 of the Maryland Constitution without repeating or further complying with those procedures in the issuance of the refunding bonds.

(h) Bonds that are being refunded and that are subject to redemption before their stated dates of maturity may be called for redemption:

(1) on the earliest redemption date; or

(2) at a later date that the governmental entity determines.

(i) (1) A governmental entity shall invest and apply proceeds of a sale of bonds issued under this section to ensure that the principal and redemption premium of, and interest on, the bonds that are being refunded will be paid in full when due.

(2) The governmental entity may deposit any part of the proceeds of the sale of bonds issued under this section in a trust fund with a trust company or other banking institution, in the name of the governmental entity.

(3) The trustee may invest and reinvest money in the trust fund in:

(i) obligations of the United States;

(ii) obligations guaranteed by the United States;

(iii) certificates of deposit or time deposits secured by an obligation of the United States; or

(iv) certificates of deposit or time deposits secured by an obligation guaranteed by the United States.

(4) Interest, income, and profits on the investment may be:

(i) considered to be revenue of a revenue project; and

(ii) applied in any lawful manner, including to the payment of:

1. the bonds that are being refunded; and

2. the bonds issued under this section.

(5) The trustee shall make money in the trust fund available, as the governmental entity requires, for the payment of:

(i) the principal and redemption premium of, and interest on, the bonds that are being refunded;

(ii) the principal and redemption premium of, and interest on, the bonds issued under this section; or

(iii) any other related costs.

(j) All or any part of the bonds issued under this section may be made payable from and secured by:

(1) money in the trust fund; or

(2) other money or security that the governmental entity provides.

§19–208.

(a) (1) Except as provided in paragraph (2) of this subsection, this section applies only to the following governmental entities:

(i) a county;

(ii) a municipality;

(iii) a public corporation of the State; and

(iv) a political subdivision or an agency or instrumentality of a political subdivision of the State.

(2) This section does not apply to Baltimore City.

(b) A governmental entity authorized to issue bonds:

(1) subject to the limitations in this section and notwithstanding any other law, if the governmental entity determines that it is in the public interest, may issue and sell bonds in denominations of $1,000 or less, in any form;

(2) may sell the bonds in integral multiples; and

(3) subject to any other provision of law, may set the prices for and the interest rates to be paid on the bonds.

(c) (1) A governmental entity may not have bonds outstanding under this section in excess of a total principal amount of the greater of:

(i) $1,000,000; or

(ii) 10% of the total outstanding bonded indebtedness of the governmental entity at the time the bonds are issued.

(2) The total debts of a governmental entity, including bonds under this section, may not exceed a limit set by law.

(d) A governmental entity may sell bonds issued under this section in any manner that the governmental entity considers appropriate, notwithstanding §§ 19–205 and 19–206 of this subtitle or any other law that requires the solicitation of competitive bids or the public sale of bonds to the highest bidder or bidders or that regulates the manner in which the sale shall be advertised or the bonds sold.

(e) (1) A governmental entity that issues bonds under this section shall approve a disclosure document that includes:

(i) a description of the security for the bonds;

(ii) a statement of the purposes for which the proceeds of the bonds will be used;

(iii) a description of the financial condition of the governmental entity;

(iv) a statement of the prices for and the interest rates to be paid on the bonds; and

(v) a statement of the times and places of payment of the principal of and interest on the bonds.

(2) A governmental entity shall make the disclosure document available to buyers of the bonds.

§19–211.

(a) Except as provided in subsection (b) of this section, this part applies only to the following governmental entities:

(1) a county;

(2) a municipality;

(3) a public corporation or other political subdivision of the State; or

(4) an instrumentality or agency of a county, public corporation, or other political subdivision of the State.

(b) This part does not apply to a housing authority under Division II of the Housing and Community Development Article.

§19–212.

(a) A governmental entity authorized to issue bonds may issue and sell bond anticipation notes if, in the ordinance, resolution, or other form of official action that authorizes the notes, the governmental entity covenants to:

(1) pay from the proceeds of the bonds in anticipation of the sale of which the notes are issued:

(i) the principal of the notes; and

(ii) to the extent that the interest on the notes is not paid from the proceeds of the sale of the notes, the interest on the notes; and

(2) issue the bonds as soon as there is no longer a reason for deferring their issuance.

(b) A governmental entity may issue and sell grant anticipation notes in anticipation of the receipt of a grant from the United States, the State, or any of their units if, in the ordinance, resolution, or other form of official action that authorizes the notes, the governmental entity covenants to pay from the proceeds of the grant in anticipation of the receipt of which the notes are issued:

(1) the principal of the notes; and

(2) the interest on the notes.

§19–213.

(a) Bond and grant anticipation notes issued under this part shall be authorized by ordinance, resolution, or other form of official action customarily used by the governmental entity.

(b) (1) The ordinance, resolution, or other form of official action that authorizes the bond or grant anticipation notes shall state:

(i) the authority for the notes and, if the notes are bond anticipation notes, the authority for the bonds;

(ii) the amount of notes authorized; and

(iii) the terms of the notes.

(2) The ordinance, resolution, or other form of official action shall specify that the notes:

(i) be sold in a certain manner, at public sale or, if the governmental entity considers private negotiation to be in its best interest, at private sale;

(ii) mature at certain times;

(iii) bear interest at certain rates or at rates to be determined in the manner stated in the ordinance, resolution, or other form of official action; and

(iv) be sold for certain prices or for prices to be determined in the manner stated in the ordinance, resolution, or other form of official action, which may be at, above, or below par.

(3) The ordinance, resolution, or other form of official action may provide that the notes:

(i) be in one or more series, as money is required; and

(ii) be renewable at maturity with or without resale.

§19–214.

(a) A governmental entity may not issue bond anticipation notes under this part in a total principal amount that exceeds the authorized amount of the bonds in anticipation of the sale of which the notes are issued and sold.

(b) A governmental entity may not issue grant anticipation notes under this part in a total amount, including interest, that exceeds the amount of the grant in anticipation of the receipt of which the notes are issued and sold.

§19–215.

Grant anticipation notes may not be sold under this part until the governmental entity receives from the grantor a written commitment for the grant.

§19–216.

(a) A bond anticipation note may not be issued under this part unless it is signed, endorsed, or guaranteed in the manner required by law for the bonds in anticipation of which the note is issued.

(b) A bond or grant anticipation note is valid and binding in accordance with its terms notwithstanding that:

(1) an official whose signature appears on the note is no longer an official when the note is delivered; or

(2) an official whose signature appears on the note became an official after the note was issued.

§19–217.

(a) (1) The principal of and interest on bond anticipation notes under this part shall be payable from:

(i) the first proceeds of sale of the bonds; or

(ii) the tax or other revenue that the governmental entity has pledged to the payment of the bonds.

(2) One year's interest on the notes, or on any renewal of the notes, accounting from the date of the initial issue of the notes, may be paid from the proceeds of sale of the notes.

(b) (1) Subject to paragraphs (2) and (3) of this subsection, the principal of and interest on grant anticipation notes under this part shall be payable from the proceeds of the grant.

(2) The governmental entity may make the grant anticipation notes payable only from the proceeds of the grant and need not pledge the faith and credit or taxing power of the governmental entity.

(3) If the governmental entity does not pledge its faith and credit or taxing power, the grant anticipation notes are not a debt or charge against the general credit or taxing power of the governmental entity under any constitutional provision, charter provision, or statutory limitation.

§19–218.

The proceeds of sale of bond anticipation notes shall be spent:

(1) first, for payment of the expenses of issuance of the notes; and

(2) then, subject to § 19–217(a)(2) of this subtitle, only for the public purposes for which the bonds are authorized.

§19–219.

(a) (1) Except for the provisions of this section, each governmental entity shall comply with the provisions, requirements, and limitations in the enabling act.

(2) If a governmental entity is unable to sell bonds to pay the bond anticipation notes under this part when due because of an interest rate limitation in the enabling act, the governmental entity may:

(i) issue bonds in a total principal amount sufficient to pay the principal of and not more than 1 year's interest on the notes; and

(ii) provide for payment of interest on the bonds at a rate that is higher than the interest rate limitation in the enabling act.

(3) This section is supplemental authority for a governmental entity to issue bonds free of an interest rate limitation to pay outstanding bond anticipation notes under this part.

(b) The ordinance, resolution, or other form of official action that authorizes the issuance of bonds under subsection (a)(2) of this section shall refer to:

(1) the enabling act; and

(2) this section.

§19–220.

(a) A governmental entity may issue bond or grant anticipation notes under this part as notes in the nature of commercial paper.

(b) A bond or grant anticipation note issued as a note in the nature of commercial paper may be secured by:

(1) a trust indenture with a trust company, or a bank with powers of a trust company, in or outside the State; and

(2) a letter of credit, line of credit, or other credit arrangement from or with a lending institution.

(c) (1) For bond anticipation notes, the credit arrangement may be made payable out of:

(i) the first proceeds of sale of the bonds; or

(ii) the tax or other revenue that the governmental entity has pledged to payment of the principal of and interest on the bonds.

(2) For grant anticipation notes, the credit arrangement may be made payable out of the proceeds of the grant.

§19–221.

The following obligations are exempt from State and local taxation:

(1) a bond or grant anticipation note issued under this part;

(2) a bond issued to pay the notes issued under item (1) of this section; and

(3) the interest on the obligations.

§19–224.

(a) This section applies only to the following governmental entities:

(1) a county;

(2) a municipality;

(3) a public corporation or other political subdivision of the State; and

(4) any instrumentality or agency of a county, municipality, public corporation, or other political subdivision of the State.

(b) (1) A bond or grant anticipation note issued under Part III of this subtitle shall be considered investment securities to the extent set forth in this section.

(2) If a bond issued by a governmental entity otherwise complies with the requirements of the Commercial Law Article for investment securities, the bond shall be considered to be an investment security notwithstanding that:

(i) the ordinance, resolution, or other authority under which the bond is issued subjects the bond to an indenture or agreement that is separate from the ordinance, resolution, or authority;

(ii) the ordinance, resolution, or other authority under which the bond is issued limits payment of principal and interest to:

1. the proceeds of limited sources of revenue; or

2. a special fund established for that purpose;

(iii) any law limits payment of principal and interest to a certain amount or rate of tax that may be imposed; or

(iv) principal or interest are registrable.

(c) A bond that is considered to be an investment security under subsection (b) of this section has all the attributes of an investment security that are possessed by a bond that is:

(1) issued on the full faith and credit of the governmental entity;

(2) payable to bearer; and

(3) secured as to the payment of principal and interest by the unlimited taxing power of the governmental entity.

§19–227.

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

(b) "Chief executive officer" means the county executive, mayor, president, chairman, or similar official of a governmental entity.

(c) "Financial officer" means the controller, the director of finance, or similar official of a governmental entity.

(d) "Internal Revenue Code" means the Internal Revenue Code of 1986 and includes regulations and rulings issued under that Code.

(e) (1) "Proceeds" means money received from the sale of bonds.

(2) "Proceeds" includes any money deemed to be proceeds of bonds under the Internal Revenue Code.

§19–228.

This part applies only to the following governmental entities:

(1) a county;

(2) a municipality;

(3) a public corporation of the State;

(4) a sanitary commission or district; and

(5) a unit, public corporation, or other instrumentality of a county or a

municipality.

§19–229.

(a) The financial officer may establish and maintain funds and accounts for the administration, management, investment, and accounting of proceeds, including any investment earnings on proceeds, that may be necessary or appropriate to comply with the Internal Revenue Code and to establish or maintain the exclusion from gross income for federal income tax purposes of interest on the bonds.

(b) (1) The financial officer may manage and invest proceeds, including any investment earnings on proceeds, in a manner so as to maintain the exclusion from gross income for federal income tax purposes of interest on the bonds.

(2) The financial officer may restrict the yields on investments of proceeds if and to the extent necessary to maintain the exclusion from gross income for federal income tax purposes of interest on the bonds.

(c) The financial officer may prepare and maintain records of the receipt, deposit, investment, management, disbursement, and application of proceeds, including any investment earnings on proceeds, that may be necessary or appropriate from time to time to comply with the Internal Revenue Code and to maintain or verify the exclusion from gross income for federal income tax purposes of interest on the bonds.

§19–230.

(a) The financial officer may establish a separate rebate fund to be used to make any payments to the United States with respect to investment earnings on proceeds that may be required by the Internal Revenue Code.

(b) There may be separate accounts within the rebate fund.

(c) Amounts deposited to the rebate fund shall be used only for the purpose of making rebate payments, and no appropriation will be required before payment of any required rebates from the rebate fund to the United States.

(d) The financial officer may make payments from the rebate fund as required in order to:

(1) comply with the Internal Revenue Code; and

(2) maintain the exclusion from gross income for federal income tax purposes of interest on the bonds.

(e) Any excess money held in the rebate fund with respect to an issue of bonds after all required rebate payments for that issue have been made, as certified by the financial officer, shall be applied in a manner consistent with the Internal Revenue

Code.

§19–231.

The financial officer may prepare and file with the appropriate agency of the United States any forms, information, and reports with respect to the bonds and the expenditure and investment of proceeds that may be required under the Internal Revenue Code.

§19–232.

For purposes of doing whatever is necessary or appropriate to comply with the Internal Revenue Code and to establish or maintain the exclusion from gross income for federal income tax purposes of interest on the bonds, the financial officer and the chief executive officer may each:

(1) take any other or further actions;

(2) enter into any agreement or covenant regarding the use of proceeds, including any investment earnings on proceeds, the deposit of money to the rebate fund, and the making of rebate payments; and

(3) provide certifications of facts and estimates.

§19–233.

This part does not prevent the governing authority of a governmental entity from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

§19–236.

(a) Notwithstanding any other law and in addition to any other authority, to improve the management of debt service or interest rate risks on its bonds or to reduce the cost of servicing its bonds, the governing body of a county may enact, by local law or resolution, authority for the county to:

(1) enter into interest rate exchange agreements providing for payments based on levels of or changes in interest rates; and

(2) appoint any agents necessary to implement and administer the agreements.

(b) (1) A county that proposes to enter into one or more interest rate exchange agreements shall enact a local law or resolution that authorizes the transaction on the terms and conditions established by the county in the local law or resolution.

(2) (i) In the local law or resolution that authorizes the transaction or

in a separate resolution, the county may provide for the final form and the final terms and provisions of the agreement, after giving due consideration to the creditworthiness of the counterparty.

(ii) The county may delegate to an officer, an official, a board, or an agency of the county specified in the local law or resolution the power to provide for the final form and the final terms and provisions of the agreement, after giving due consideration to the creditworthiness of the counterparty.

(c) An interest rate exchange agreement may be entered into in connection with, or incidental to, any bonds of the county.

§19–301.

(a) In its charter, each municipality may provide a procedure to borrow money for any public purpose that is different from the procedure described in this subtitle.

(b) If a conflict exists between this subtitle and the charter of a municipality, the charter controls.

(c) Notwithstanding this subtitle or the charter of the municipality, each municipality may exercise all powers granted to municipalities under Title 9 of the Environment Article.

§19–302.

(a) A municipality may:

(1) borrow money for any public purpose; and

(2) issue and sell general obligation bonds to evidence the borrowing.

(b) In its charter, a municipality may provide for the issuance of revenue bonds payable as to principal and interest solely from the revenues of one or more revenue–producing projects of the municipality.

(c) (1) Unless the charter of the municipality provides otherwise, in anticipation of the receipt of current taxes, a municipality may:

(i) borrow money for any public purpose; and

(ii) issue and sell tax anticipation notes to evidence the borrowing.

(2) The municipality shall pay the principal of and interest on tax anticipation notes when current taxes are received.

(3) Tax anticipation notes:

(i) shall be issued in accordance with § 19–303 of this subtitle; but

(ii) may be sold by private negotiations.

§19–303.

(a) The issuance of all bonds of a municipality shall be authorized by a resolution adopted or an ordinance enacted by the legislative body of the municipality.

(b) (1) A resolution or an ordinance authorizing municipal bonds shall contain:

(i) a statement of the public purpose for which the bond proceeds are to be spent;

(ii) the form of the bonds, including:

1. the place at which the bonds will be payable;

2. the time at which the bonds will be payable;

3. the interest rate on the bonds or a space to insert the interest rate when determined;

4. the title of each official whose signature must be affixed to or imprinted on the bonds;

5. the authority for issuance of the bonds; and

6. the revenues from which the principal of and interest on the bonds will be payable;

(iii) specific provision for the appropriation and disposal of the bond proceeds;

(iv) specific provision for the payment of the principal of and interest on the bonds, including the source of payment; and

(v) the form of the notice soliciting bids for the purchase of the bonds, including:

1. the date, place, and time for receiving and opening bids;

2. a brief description of the purpose for which the bonds will be issued;

3. a brief description of the denominations, maturities, terms, and conditions of the bonds;

4. a statement of the interest rate of the bonds or the manner of determining the rate;

5. a precise statement of the manner in which the best offer for the bonds will be determined; and

6. a reference to the resolution or ordinance authorizing the bonds.

(2) The provision made for payment of the bonds under paragraph (1)(iv) of this subsection is a covenant binding the municipality to provide money from the source described to pay the principal of and interest on the bonds when due.

(c) (1) A resolution or an ordinance authorizing any municipal bonds may contain any other provision not inconsistent with this subtitle that the legislative body of the municipality considers appropriate, including a provision that:

(i) the principal of and interest on the bonds shall be payable at one or more banks or trust companies in or outside the State;

(ii) except for the signature of the clerk or secretary which must be manually affixed, the signatures of officials of the municipality and official seals to be affixed to the bonds or any coupons attached to the bonds shall be imprinted on the bonds or coupons in facsimile;

(iii) at the option of the municipality, some or all of the bonds shall be made redeemable before maturity, at or above par value as required in the enabling resolution or ordinance if:

1. the bonds contain a statement of the redemption provisions; and

2. the enabling resolution or ordinance provides for published notice before a redemption;

(iv) the issue of bonds shall be in varying denominations and in coupon form registrable as to principal only, in fully registered form, or both forms if they are interchangeable; and

(v) a bond is a valid and binding obligation of the municipality in accordance with the terms of the bond even if an official whose signature appears on the bond:

1. ceases to be an official before the delivery of the bond; or

2. becomes an official after the date of issue of the bond.

(2) Each resolution or ordinance may authorize the executive of the municipality to modify the forms adopted by the resolution or ordinance if the modifications do not alter the substance of the forms.

(d) (1) The notice soliciting bids for the purchase of the bonds may:

(i) require prospective purchasers to submit bids on specified forms;

(ii) require prospective purchasers to accompany their bids with good faith deposits in specified amounts;

(iii) provide for approval of the legality of the bonds; and

(iv) contain a financial statement of the municipality.

(2) The provisions in paragraph (1) of this subsection may be included in the notice of sale or separately set forth in a circular or an official statement, the form of which must be adopted by a resolution or an ordinance of the municipality.

(e) Unless the resolution, ordinance, or municipal charter requires a referendum, neither a resolution or an ordinance authorizing any bonds of a municipality nor the question of the issuance of the bonds need be submitted to referendum of the voters of the municipality.

§19–304.

(a) (1) A municipality may not issue bonds that mature later than 40 years after the date of issue.

(2) A municipality may not issue tax anticipation notes that mature later than 18 months after the date of issue.

(b) A municipality may issue bonds and tax anticipation notes only for cash.

(c) A municipality may not sell bonds or tax anticipation notes at less than par value.

(d) (1) If the charter of a municipality requires a referendum on the issuance of municipal bonds, the bonds may be issued only if the bonds are approved by a majority of voters voting on the question.

(2) If the referendum fails, another referendum may not be held on the question of issuing bonds for the same public purpose until 1 year after the election.

(e) A municipality may not sell bonds unless the municipality:

(1) solicits competitive bids at a public sale; and

(2) publishes notice of the bond sale:

(i) in the form required by the resolution or ordinance;

(ii) in a newspaper of general circulation in the municipality and any

other publication that is specified in the resolution or ordinance; and

(iii) two times over a period of at least 10 days before the date specified for the bond sale.

§19–305.

All bonds and tax anticipation notes issued in accordance with the charter of a municipality or this subtitle shall be considered investment securities as provided in § 19–224 of this title.

§19–306.

The principal of and interest on bonds or tax anticipation notes issued in accordance with the charter of a municipality or this subtitle are exempt from State and local taxes.

§19–307.

(a) A fiscal officer of a municipality who has custody of a sinking fund established by the municipality to pay the principal of or the interest on bonds issued in accordance with the charter of the municipality or this subtitle may invest the sinking fund only as provided in § 19–102 of this title.

(b) A fiscal officer of a municipality who has custody of bond proceeds may invest the proceeds as provided in §§ 17–101 and 17–102 of this article.

§19–308.

(a) Except as provided in subsection (b) of this section, each bond or tax anticipation note issued in accordance with the charter of the municipality or this subtitle is a pledge of the full faith and credit of the municipality to the prompt payment, from the revenues described in the resolution or ordinance, of the principal of and interest on the bond or tax anticipation note when due.

(b) A revenue bond issued in accordance with the charter of the municipality is not a debt of the municipality to which its faith and credit or taxing power is pledged.

(c) (1) If at the time bonds are issued there is no charter or statutory limit on the power of the municipality to impose property taxes, the pledge under subsection (a) of this section is a covenant by the municipality to impose ad valorem taxes:

(i) on all real and tangible personal property in the municipality that is subject to assessment for unlimited municipal taxation; and

(ii) at a rate and in an amount sufficient to pay the principal of and the interest on the bonds in each year in which any of the bonds are outstanding.

(2) If at the time bonds are issued there is a charter or statutory limit on the power of the municipality to impose property taxes, the pledge under subsection (a) of this section is a covenant by the municipality to impose ad valorem taxes described in paragraph (1) of this subsection within the limits imposed by law.

(d) A charter provision or a statute that establishes a maximum limit on the rate at which a municipality may impose property taxes, or that removes an existing limit, enacted after bonds are issued by the municipality does not affect the covenants of the municipality under subsection (c) of this section with respect to bonds outstanding on the effective date of the charter provision or statute.

(e) (1) A municipality may not issue a bond under the charter of the municipality or this subtitle if, by its issuance, the maximum limits on the power of the municipality to incur debt imposed by charter or statute will be exceeded.

(2) A maximum limit imposed after a bond is issued does not affect the municipality's obligation on the bond.

(3) The obligation of a municipality on an outstanding bond is not affected by the issuance of a bond in accordance with an increase in the maximum limit on the power of the municipality to incur debt, or the removal of an existing maximum limit, enacted after the outstanding bond is issued.

(f) (1) In addition to the pledge of its full faith and credit and taxing power to pay the principal of and interest on bonds, a municipality may secure the payment by the pledge of any other revenues, including:

(i) payments to the municipality from the State or federal government; and

(ii) special benefit assessments, taxes, fees, or service charges.

(2) To the extent that the additional revenues are sufficient in any year to pay the principal of and interest on the bonds to which they are pledged, the municipality is not obligated in that year to impose property taxes also pledged to pay the bonds.

(3) If the additional revenues are sufficient in any year to pay the principal of and interest on the bonds to which they are pledged, the failure of the municipality to impose property taxes in that year is not in breach of any of the municipal covenants described in subsection (c) of this section.

§19–309.

This subtitle does not impair any term or condition of any bond, note, or other obligation of a municipality issued by the municipality before Article XI–E of the Maryland Constitution took effect.

§19–401.

Section 10–203 of this article applies to the creation of public debt by a charter county.

§19–501.

In this subtitle, "public local law" has the meaning stated in Article XI–F, § 1 of the Maryland Constitution.

§19–502.

This subtitle applies only to code counties.

§19–503.

(a) A county may:

(1) borrow money for any public purpose; and

(2) issue and sell general obligation bonds to evidence the borrowing.

(b) By local law, a county may provide for the issuance of revenue bonds payable as to principal and interest solely from the revenues of one or more revenue–producing projects of the county.

(c) Notwithstanding any other provision of this subtitle, a county may issue bonds:

(1) for sanitary facilities as provided in the Environment Article; and

(2) as authorized by local law in effect on the date the county adopts code home rule.

§19–504.

(a) Except as provided in subsection (b) of this section, the issuance of all bonds of a county shall be authorized by public local law enacted in accordance with §§ 9–308 through 9–315 of this article.

(b) To issue bonds described in § 19–503(c) of this subtitle, a county:

(1) need not enact a public local law; and

(2) shall comply with the law authorizing issuance of the bonds.

(c) The public local law required under subsection (a) of this section shall contain:

(1) a statement of:

(i) the aggregate amount of bonds authorized by the public local law;

(ii) the public purpose for which the bond proceeds are to be spent; and

(iii) the revenues from which the principal of and interest on the bonds will be payable; and

(2) a requirement that the county commissioners, before issuing any of the bonds, adopt a resolution containing the information specified in subsection (d) of this section.

(d) (1) A resolution adopted under subsection (c)(2) of this section shall contain:

(i) a statement of:

1. the amount of bonds to be issued; and

2. the public purpose for which the bond proceeds are to be spent;

(ii) the form of the bonds, including:

1. the place at which the bonds will be payable;

2. the time at which the bonds will be payable;

3. the interest rate on the bonds or a space to insert the interest rate when determined;

4. the title of each official whose signature must be affixed to or imprinted on the bonds;

5. the authority for issuance of the bonds; and

6. the revenues from which the principal of and interest on the bonds will be payable;

(iii) specific provision for the appropriation and disposal of the bond proceeds;

(iv) specific provision for the payment of the principal of and interest on the bonds, including the source of payment; and

(v) the form of the notice soliciting bids for the purchase of the bonds.

(2) The provision made for payment of the bonds under paragraph (1)(iv) of this subsection is a covenant binding the county to provide money from the source described to pay the principal of and interest on the bonds when due.

(e) (1) If the public local law authorizing the bonds does not exempt them from §§ 19–205 and 19–206 of this title, the form of the notice soliciting bids for the purchase of the bonds shall include the information required by § 19–205 of this title.

(2) The notice of sale also may:

(i) require prospective purchasers to submit bids on specified forms;

(ii) provide for approval of the legality of the bonds; and

(iii) contain a financial statement of the county.

(3) Any of the items under paragraph (2) of this subsection also may be separately set forth in a circular or official statement.

(f) A resolution authorizing any bonds of a county may contain any other provision not inconsistent with this subtitle that the county commissioners consider appropriate, including a provision that:

(1) the principal of and interest on the bonds shall be payable at one or more banks or trust companies in or outside the State;

(2) except for the signature of the clerk or secretary, which must be manually affixed, the signatures of officials of the county and official seals to be affixed to the bonds or any coupons attached to the bonds shall be imprinted on the bonds or coupons in facsimile;

(3) at the option of the county, some or all of the bonds shall be made redeemable, before maturity, at or above par value as required in the resolution if:

(i) the bonds contain a statement of the redemption provisions; and

(ii) the resolution provides for published notice before a redemption;

(4) the issue of bonds shall be in varying denominations and in coupon form registrable as to principal only, in fully registered form, or both forms if they are interchangeable; and

(5) a bond is a valid and binding obligation of the county in accordance with the terms of the bond even if an official whose signature appears on the bond:

(i) ceases to be an official before the delivery of the bond; or

(ii) becomes an official after the date of issue of the bond.

(g) Subject to § 19–505(d) of this subtitle, neither a resolution authorizing any bonds of a county nor the question of the issuance of bonds authorized by the resolution need be submitted to referendum of the voters of the county.

§19–505.

(a) A county may not issue bonds that mature later than 40 years after the date of issue.

(b) A county may issue bonds only for cash.

(c) A county may not sell bonds at less than par value.

(d) If a legally sufficient referendum petition on a public local law authorizing the issuance of bonds is properly filed with the county board of elections, the bonds may be issued only if the public local law is approved by a majority of the voters voting on the question.

(e) Any bonds sold by a county are subject to §§ 19–205 and 19–206 of this title, unless the public local law authorizing the bonds provides a specific exemption.

§19–506.

Any bonds issued in accordance with this subtitle shall be considered investment securities as provided in § 19–224 of this title and Title 8 of the Maryland Uniform Commercial Code.

§19–507.

The principal of and interest on bonds issued in accordance with this subtitle are exempt from State and local taxes.

§19–508.

(a) A county fiscal officer who has custody of a sinking fund established by the county to pay the principal of or the interest on bonds issued in accordance with this subtitle may invest the sinking fund only as provided in § 19–102 of this title.

(b) A county fiscal officer who has custody of bond proceeds may invest the proceeds as provided in §§ 17–101 and 17–102 of this article.

§19–509.

(a) Except as provided in subsection (b) of this section, each bond issued in accordance with this subtitle is a pledge of the full faith and credit of the county to the prompt payment, from the revenues described in the public local law authorizing the bond, of the principal of and interest on the bond when due.

(b) A revenue bond issued in accordance with this subtitle is not a debt of the

county to which its faith and credit or taxing power is pledged.

(c) (1) If at the time bonds are issued there is no statutory limit on the power of the county to impose property taxes, the pledge under subsection (a) of this section is a covenant by the county to impose ad valorem taxes:

(i) on all real and tangible personal property in the county that is subject to assessment for unlimited county taxation; and

(ii) at a rate and in an amount sufficient to pay the principal of and the interest on the bonds in each year in which any of the bonds are outstanding.

(2) If at the time bonds are issued there is a statutory limit on the power of the county to impose property taxes, the pledge under subsection (a) of this section is a covenant by the county to impose the ad valorem taxes described in paragraph (1) of this subsection within the limits imposed by law.

(d) A statute that establishes a maximum limit on the rate at which a county may impose property taxes, or that removes an existing limit, enacted after bonds are issued by the county does not affect the covenants of the county under subsection (c) of this section with respect to bonds outstanding on the effective date of the statute.

(e) (1) A county may not issue a bond under this subtitle if, by its issuance, a statutory maximum limit imposed by statute on the power of the county to incur debt will be exceeded.

(2) A statutory maximum limit imposed after a bond is issued does not affect the county's obligation on the bond.

(3) The obligation of a county on an outstanding bond is not affected by the issuance of a bond in accordance with an increase in the statutory maximum limit on the power of the county to incur debt, or the removal of an existing maximum limit, enacted after the outstanding bond is issued.

(f) (1) In addition to the pledge of its full faith and credit and taxing power to pay the principal of and interest on bonds, a county may secure the payment by the pledge of any other revenues, including:

(i) payments to the county from the State or federal government; and

(ii) special benefit assessments, taxes, fees, or service charges.

(2) To the extent that the additional revenues are sufficient in any year to pay the principal of and interest on the bonds to which they are pledged, the county is not obligated in that year to impose property taxes also pledged to pay the bonds.

(3) If the additional revenues are sufficient in any year to pay the principal

of and interest on the bonds to which they are pledged, the failure of the county to impose property taxes pledged to pay the bonds in that year is not a breach of any payment of the principal of and interest on the bonds.

§19–510.

This subtitle does not impair any term or condition of any bond, note, or other obligation of a county issued or authorized to be issued by the county before adoption of code home rule.

§19–601.

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

(b) "Authorizing resolution" means an administrative resolution adopted by the legislative body of a county.

(c) "County" includes a combination of two or more counties that have entered into an agreement under this part.

(d) (1) "Note" means an evidence of indebtedness of a county issued under this part.

(2) "Note" includes:

(i) a bond;

(ii) commercial paper;

(iii) a refunding bond;

(iv) a refunding note; and

(v) any other obligation.

(e) "State share", with reference to a particular county on a particular date, means the aggregate amount of the anticipated State share of the costs of public school construction and capital improvements under § 5–301 of the Education Article that:

(1) has been approved by the Board of Public Works; and

(2) has not been advanced to the county.

§19–602.

(a) (1) A county may borrow money and incur indebtedness through the issuance and sale of notes in anticipation of the receipt of any of the county's State share.

(2) The amount borrowed may not exceed at any one time the county's State share.

(3) In calculating the maximum principal amount of notes that may be outstanding, the State share may not be reduced with respect to any outstanding notes except on receipt by the county of money advanced by the State with respect to the State share and payment of notes with the money.

(b) A county may enter into an agreement with one or more counties to provide for the issuance and sale of consolidated notes in anticipation of the receipt of any of the aggregate State shares of the participating counties.

§19–603.

A county may expend the net proceeds of the sale of an issue of notes only to:

(1) pay the costs of public school construction or capital improvements approved at any time by the Board of Public Works in anticipation of State money for any of the construction or improvements; or

(2) refund one or more issues of notes.

§19–604.

(a) The principal of the notes may be paid from:

(1) the proceeds of any of the State share for a county;

(2) any other revenues that are pledged to the payment of the notes in the authorizing resolution; or

(3) money made available to the county to finance the public school construction and capital improvements from:

(i) the State or unit of the State;

(ii) the federal government or a unit of the federal government; or

(iii) any other source.

(b) The interest on the notes may be paid from:

(1) any revenues, other than the proceeds of the State share for a county, that are pledged to the payment of the notes in the authorizing resolution; or

(2) money made available to the county to finance public school construction and capital improvements from:

(i) the State or a unit of the State, except for the State share

allocated under this part for public school construction and capital improvements;

(ii) the federal government or a unit of the federal government; or

(iii) any other source.

(c) (1) A county may pledge its full faith and credit and taxing power to the payment of the principal of and interest on the notes in the authorizing resolution.

(2) A county that makes a pledge under paragraph (1) of this subsection shall, in each fiscal year that any of the notes are outstanding, impose ad valorem taxes on all assessable property in the county at a rate and amount sufficient to pay the principal of and interest on the notes maturing in that fiscal year.

(3) If the proceeds from the taxes imposed in any fiscal year prove inadequate for the payment, the county shall impose additional taxes in the succeeding fiscal year to make up the deficiency.

§19–605.

(a) The notes shall be authorized by a resolution.

(b) The authorizing resolution shall:

(1) cite the authority to issue the notes and the amount authorized; and

(2) specify:

(i) the maturity;

(ii) the interest rate or manner of determining the rate, which may include a variable rate;

(iii) 1. the price at which the notes will be sold, which may be at, above, or below the face value of the notes; or

2. the manner of determining the price at which the notes will be sold;

(iv) the manner of the sale of the notes, which may be by private negotiation by the county with a prospective purchaser, if determined by the county to be in the county's best interest;

(v) the terms or conditions, if any, under which notes may or shall be redeemed prior to their stated maturity; and

(vi) other terms on the notes.

(c) The authorizing resolution may provide for:

(1) the issuance of the notes in series, as money is required; and

(2) the renewal of the notes at maturity, with or without resale.

§19–606.

(a) If the authorizing resolution provides, notes may be secured by:

(1) a trust indenture with a corporate trustee, which may be any trust company or bank having the powers of a trust company in or outside the State; and

(2) a letter of credit, line of credit, or other credit or liquidity instrument from or with a bank or other lending institution.

(b) A security provided by an authorizing resolution under this section may be secured by the same security given to holders of the notes for the performance by a county of the county's monetary obligations under the notes.

§19–607.

A note is not subject to §§ 19–205 and 19–206 of this title.

§19–608.

A note is a valid and binding obligation of the issuing county in accordance with the terms of the note even if an official whose signature appears on the note:

(1) ceases to be an official before the delivery of the note; or

(2) becomes an official after the date of issue of the note.

§19–609.

The notes, the transfer of the notes, the interest payable on the notes, and any income derived from the notes, including profit realized in the sale or exchange of the notes, are exempt from State and local taxes.

§19–610.

(a) The authorizing resolution, and notes and agreements authorized under the authorizing resolution, are not subject to:

(1) procedures required for legislative acts; or

(2) referendum.

(b) The authorizing resolution may include covenants regarding the payment of principal of and interest on the notes, notwithstanding any:

(1) limitation in the county charter;

(2) other public general law; or

(3) public local law.

(c) (1) A county may adopt an authorizing resolution without complying with any procedures in:

(i) the county charter;

(ii) any public general law; or

(iii) a public local law.

(2) Public school construction and capital improvements financed by a county under this part are not a capital project of a county for purposes of any constitutional, charter, statutory, or other limitation.

(d) Any notes or agreements issued or entered into under this part may not be subject to or included in any constitutional, charter, statutory, or other limitation for the issuance of indebtedness by a county.

(e) The provisions of this part are self–executing.

§19–611.

(a) (1) Except as provided in paragraph (2) of this subsection, an agreement entered under § 19–602(b) of this subtitle may include the provisions that the counties adopt in the authorizing resolution.

(2) An agreement may not expire before the redemption or maturity of the notes issued under the agreement.

(b) By agreement, two or more counties may establish a trust or similar arrangement authorized to sell notes on the same terms and in the same manner as counties may sell notes under this part and loan the proceeds of the notes to the counties.

§19–612.

The authority to borrow money and issue notes granted to counties by this part is:

(1) supplemental to any other power granted to a county by any other law; and

(2) not in derogation of any other existing power of a county to borrow money.

§19–615.

"New school capacity construction bonds" means 10–year bonds issued under this part.

§19–616.

(a) (1) The County Commissioners of Charles County may issue new school capacity construction bonds at any time on the full faith and credit of the county to fund the costs incurred to construct new capacity for public elementary, middle, and high school facilities in the county, including:

(i) costs for land acquisition, architectural and engineering design, infrastructure, new classrooms, equipment, interest on bond principal, and bond issuance; and

(ii) an amount equal to the total square footage of new public elementary, middle, and high school facilities in the county multiplied by the State square foot construction allowance, less the State funding share.

(2) The new school capacity construction bonds shall constitute securities:

(i) in which all public officers, public bodies of the State and its political subdivisions, insurance companies, State banks and trust companies, national banking associations, savings banks, savings and loan associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest money, including capital in their control or belonging to them; and

(ii) which may be properly and legally deposited with and received by any State or county officer, State unit, or political subdivision of the State for any purpose for which the deposit of bonds or obligations of the State may be authorized by law.

(b) The County Commissioners of Charles County shall hold a public hearing and provide reasonable notice of the hearing before issuing new school capacity construction bonds.

(c) The issuance and sale of new school capacity construction bonds under this part is exempt from § 19–205 and § 19–206 of this title.

(d) The transfer of, interest on, and any income derived from new school capacity construction bonds are exempt from State and local taxes.

§19–701.

This subtitle applies only to:

(1) Calvert County;

(2) Harford County; and

(3) St. Mary's County.

§19–702.

(a) The governing body of a county may borrow money to pay any of the capital construction costs of public library buildings in the county.

(b) The County Commissioners of St. Mary's County may borrow money to pay any of the costs of preservation for public libraries in the county.

§19–703.

The governing body of a county may:

(1) issue bonds, notes, or other evidence of indebtedness to repay money borrowed under this subtitle; and

(2) impose a tax to pay the principal of and interest on the evidences of indebtedness.

§19–801.

In this subtitle, "program" means a residential mortgage program authorized under this subtitle.

§19–802.

A transaction under this subtitle is not a capital project within the meaning of any statutory or charter provision.

§19–803.

(a) The General Assembly finds that:

(1) persons and families in many areas in Cecil County, including areas that contain presently stable neighborhoods and middle class residential housing, are unable to purchase, rehabilitate, and maintain decent, safe, and sanitary housing that provides an opportunity for home ownership either directly or through a condominium or cooperative form of ownership due to continuing increases in the cost of construction and rehabilitation, county taxes, heating and electricity expenses, maintenance and repair expenses, inflation, the cost of land, the cost of energy conservation measures, and the levels of borrowing costs;

(2) the inability of families to purchase and maintain housing in the county results in:

(i) the decline of new housing;

(ii) the decay of existing housing and neighborhoods; and

(iii) increases in costs for welfare, police, and fire protection;

(3) the decline in new housing construction, and the decay of existing housing, has produced a critical shortage of adequate housing in the county that harms the economy of the county and the well–being of county residents;

(4) without a program, private enterprise cannot construct or rehabilitate adequate housing for persons and families in the county;

(5) forcing families to live in substandard housing is undesirable because it tends to decrease the interest of families in their communities, the maintenance of their property, and the preservation of their neighborhoods;

(6) the county has a basic public interest in:

(i) providing a supplemental source of single–family residential mortgage funds at a cost lower to the borrower than prevailing rates for residential mortgages; and

(ii) stimulating a steady flow of money for residential housing to help in maintaining a well–balanced society, existing housing, a sound tax base, and established neighborhoods;

(7) unless new facilities are constructed and existing housing, where appropriate, is rehabilitated, a large number of county residents have been and will be subject to hardship in finding decent, safe, and sanitary housing;

(8) unless the supply of housing and the ability of persons and families to obtain mortgage financing is increased significantly and expeditiously, many county residents may be compelled to live in unsanitary, overcrowded, or unsafe conditions to the detriment of the health and welfare of the residents and of their community;

(9) increasing the housing supply of the county and the ability of persons and families to obtain mortgage financing will:

(i) aid the clearance, replanning, development, and redevelopment of blighted areas;

(ii) alleviate the critical shortage of adequate housing; and

(iii) greatly enhance the ability of the county to preserve and utilize existing housing and neighborhoods;

(10) a major cause of the housing crisis is the lack of affordable loans so

that persons and families can own and maintain decent, safe, and sanitary housing;

(11) an additional major cause of the housing crisis is the lack of money available to finance housing by the private mortgage lending institutions of the State, frustrating the maintenance, sale, and purchase of existing housing in the county;

(12) the powers authorized under this subtitle and the expenditure of public money necessary and appropriate to carry out a program are a valid public purpose; and

(13) the enactment of this subtitle is in the public interest.

(b) The legislative purpose of this subtitle is to expand money available at borrowing costs that are lower than prevailing costs for residential mortgages for persons and families to alleviate the shortage of adequate housing in Cecil County and to preserve existing housing and neighborhoods.

§19–804.

(a) By ordinance or resolution, the governing body of Cecil County shall specify:

(1) the program;

(2) the amount of bonds to be issued under the program;

(3) the interest rate of the bonds, or the manner of determining the rate; and

(4) other provisions not inconsistent with this subtitle to effect the financing of the mortgage loans.

(b) In the ordinance or resolution adopted under this subtitle, the governing body of Cecil County shall make findings regarding:

(1) the need for the financing authorized under this subtitle;

(2) the types of housing available and needed in the county; and

(3) other factors that the governing body finds appropriate to establish a program.

(c) An ordinance or resolution adopted under this subtitle is not subject to:

(1) referendum; or

(2) other procedures that do not apply to all ordinances or resolutions enacted by Cecil County.

§19–805.

(a) (1) Notwithstanding any other law, Cecil County may issue revenue bonds, notes, or other evidence of indebtedness to accomplish the purposes of this subtitle.

(2) The county may use money borrowed under this subtitle to make funds available, directly or through mortgage lending institutions, for residential mortgage loans by:

(i) forward commitment mortgage purchases;

(ii) existing mortgage purchases;

(iii) loans to lenders;

(iv) a revolving mortgage fund; or

(v) any other manner the county considers appropriate.

(3) (i) The county may issue new bonds to provide funds for the payment of any outstanding bonds in accordance with this subtitle and § 19–207 of this title.

(ii) The new bonds shall be secured to the same extent and have the same source of payment as the refunded bonds.

(b) The amount borrowed under this subtitle may not exceed $35,000,000 in the total aggregate amount.

(c) Cecil County may collect participation charges to cover loan processing, loan administration, mortgage insurance, and other costs and expenses of a program from a borrower participating in the program.

(d) A program may provide for:

(1) loan agreements;

(2) security agreements;

(3) loan servicing agreements;

(4) forms of mortgages, notes, and deeds of trust; and

(5) other appropriate securities, documents, agreements, and provisions.

§19–806.

(a) (1) A program shall require a down payment of at least 10% of the purchase price of the dwelling.

(2) (i) The down payment may be in the form of cash or real property owned by a mortgagor on which a dwelling has been constructed.

(ii) If the down payment is in the form of real property, the property shall be valued at the lesser of its purchase price or appraised value.

(b) An individual mortgage loan authorized under a program may not exceed $90,000.

§19–807.

(a) (1) A bond issued under this subtitle:

(i) shall be negotiable;

(ii) may be issued in coupon form or registrable as to principal or as to both principal and interest;

(iii) may be issued to bear interest, payable annually, semiannually, or otherwise; and

(iv) may be executed, issued, or delivered at any time.

(2) (i) A bond issued under this subtitle shall be signed by the president of the governing body of Cecil County.

(ii) The seal of the county shall be affixed to the bond and attested to by the clerk or the officer performing the functions of the clerk.

(iii) An officer's signature or countersignature on a bond or coupon remains valid even if the officer ceases to be an officer before the delivery of the bond.

(3) (i) The county may not issue a bond under this subtitle that matures later than 40 years from the date of issue.

(ii) The county shall pay for a mature bond at the place that the county determines.

(b) Bonds issued under this subtitle may be secured by a pledge of mortgages or notes secured by deeds of trust on any type of interest in real or other property, including:

(1) real property or other interests held by stock cooperatives and condominiums and their unit owners;

(2) servicing agreements;

(3) condemnation proceeds;

(4) proceeds of private mortgage insurance or casualty and special hazard insurance; or

(5) any other security that Cecil County determines is appropriate.

(c) Bonds issued under this subtitle may provide that the bonds may be redeemed, at the option of Cecil County, before maturity, at the price and under the terms and conditions that the county sets before the bonds are issued.

(d) Money received from bonds issued under this subtitle may be used only to:

(1) make residential mortgage loans in Cecil County, either directly or through mortgage lending institutions;

(2) establish reserve funds;

(3) pay necessary financing expenses; or

(4) advance the payment of interest on the bonds during the 3 years after the date of the bonds.

§19–808.

(a) Cecil County shall sell bonds authorized under this subtitle at public or private sale and on the terms that the county considers best.

(b) Bonds issued under this subtitle are exempt from §§ 19–205 and 19–206 of this title.

§19–809.

(a) A bond issued under this subtitle and the interest on the bond are limited obligations of Cecil County.

(b) Cecil County may pay the principal of and interest on a bond issued under this subtitle only from:

(1) revenues derived from interest, mortgage insurance proceeds, casualty or special hazard insurance proceeds, other insurance proceeds, or condemnation proceeds; or

(2) other revenues derived from or related to loans made under a program.

(c) Bonds and interest coupons issued under this subtitle:

(1) are not debts or charges against the general credit or taxing powers of Cecil County within the meaning of any constitutional or county code provision or statutory limitation; and

(2) do not give rise to any pecuniary liability of the county.

(d) On the advice of counsel, Cecil County may state on the face of a bond that the bond:

(1) is issued under this subtitle; and

(2) is not an indebtedness to which the faith and credit of the county is pledged.

§19–810.

A finding made by Cecil County regarding a program or the qualification of a person or family to participate in a program is conclusive in a proceeding involving the validity or enforceability of a bond, or security for a bond, issued under this subtitle.

§19–811.

The principal amount of the bonds issued under this subtitle, the transfer of the bonds, the interest payable on the bonds, and any income derived from the bonds, including profit realized in the sale or exchange of the bonds, are exempt from State and local taxes.

§19–901.

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

(b) (1) "Bond" means an obligation for the payment of money, by whatever name known or source of funds secured, issued by a governmental entity under general or special statutory authority.

(2) "Bond" includes:

(i) a bond;

(ii) a certificate of indebtedness;

(iii) an interim certificate; and

(iv) a note.

(c) "Pension liability funding bond" means a bond authorized to be issued under this subtitle.

§19–902.

(a) This subtitle applies only to:

(1) charter counties;

(2) code counties; and

(3) municipalities.

(b) This subtitle applies only to a pension or retirement plan or system:

(1) that is closed to new membership; and

(2) under which a county or municipality is directly or indirectly obligated to pay or cause to be paid retirement, disability, death, or other benefits.

§19–903.

The General Assembly finds that it is in the best interests of the charter counties, code counties, and municipalities and the residents of the State to authorize each charter county, code county, or municipality to issue bonds in order to fund any unfunded liability of the county or municipality with respect to any pension or retirement plan or system to:

(1) use favorable market conditions that may exist to reduce the cost of the pension or retirement plan or system to the county or municipality; or

(2) otherwise structure and provide for pension plan liability funding in a manner consistent with the financial plans of the county or municipality.

§19–904.

(a) A county or municipality that is authorized under law to borrow money and issue bonds may issue pension liability funding bonds to fund any unfunded present or contingent liability of any kind under a pension or retirement plan or system.

(b) Pension liability funding bonds may be issued for the public purposes of:

(1) realizing savings with respect to the aggregate cost of the pension or retirement plan or system being funded, on either a direct comparison or present value basis; or

(2) structuring or restructuring pension or retirement plan or system costs in a manner that:

(i) in the aggregate effects a reduction in the total cost of the pension or retirement plan or system as provided in item (1) of this subsection; or

(ii) is determined by the county or municipality:

1. to be in the best interests of the county or municipality;

2. to be consistent with the county's or municipality's long–term financial plan; and

3. to realize a financial objective of the county or municipality, including:

A. improving the relationship of pension or retirement plan or system costs to a source of payment such as taxes, assessments, or other charges; or

B. improving the benefits payable under the pension or retirement plan or system.

(c) The authority to issue pension liability funding bonds under this subtitle is supplemental to any authority to borrow money or issue bonds granted to a county or municipality under any other law.

(d) Except as otherwise provided in this subtitle, pension liability funding bonds are subject to any requirement that applies to the issuance of the county's or municipality's bonds that have the same source of payment as the pension liability funding bonds regarding:

(1) the terms, conditions, and covenants of the bonds;

(2) the taxes or other sources of money for payment of the bonds; and

(3) the procedures for issuance of the bonds.

§19–905.

(a) Notwithstanding any State or local law to the contrary, a county or municipality may:

(1) issue pension liability funding bonds:

(i) without regard to:

1. any provision of the county's or municipality's charter or any other law that:

A. requires a public referendum before the issuance of public debt by the county or municipality; or

B. requires that debt be issued only to finance certain projects such as capital projects defined in a charter; or

2. any other provision that is inconsistent with this subtitle;

(ii) in one or more series, each series being in the principal amount that the county or municipality determines to be required to achieve the purpose for the issuance of the pension liability funding bonds; and

(iii) as serial bonds or as term bonds with provisions for mandatory

sinking fund or other annual principal redemption;

(2) sell pension liability funding bonds on a negotiated basis without solicitation of bids at a price at, above, or below par;

(3) provide for pension liability funding bonds to bear interest at fixed rates determined by the county or municipality or at floating or variable rates established by a method of determination approved by the county or municipality; and

(4) provide for the principal and interest installments on pension liability funding bonds to be unequal from year to year and to be consistent with the general financial plan of the county or municipality.

(b) A county or municipality may not issue pension liability funding bonds that mature later than 30 years from the date of issue.

(c) The first principal installment payment or mandatory redemption of any pension liability funding bonds may not be later than 3 years from the date of issue.

§19–906.

(a) The proceeds of pension liability funding bonds may be deposited, in amounts determined by the county or municipality, in trust with a trust company or other banking institution as trustee, in a trust fund established in the name of the county or municipality.

(b) Money in the trust fund may be invested and reinvested in any taxable or tax–exempt securities, obligations, or other investments and at any yields that are determined by the county or municipality to be consistent with the purposes for which the pension liability funding bonds were issued and with the financial plan of the county or municipality.

(c) The interest, income, and profits earned or realized on any investment may be:

(1) applied to the payment of a portion of the benefits under the pension or retirement plan or system to be funded;

(2) applied to the payment of the pension liability funding bonds; or

(3) otherwise applied in any lawful manner.

(d) Money in the trust fund shall be available to pay:

(1) the benefits under the pension or retirement plan or system being funded;

(2) the pension liability funding bonds; and

(3) any other related costs, as the county or municipality requires.

§19–907.

In any proceeding involving the validity or enforceability of pension liability funding bonds or any security for the bonds, a finding by the legislative or other governing body of the county or municipality as to the public purpose of any actions taken under this subtitle or as to other matters relating to the issuance of the bonds is conclusive.

§19–908.

(a) Pension liability funding bonds, the transfer of the bonds, the interest payable on the bonds, and any income derived from the bonds, including any profit realized in the sale and exchange of the bonds, are exempt from State and local taxes.

(b) This subtitle does not prevent a county or municipality from authorizing the issuance and sale of pension liability funding bonds, the interest on which is not excludable from gross income for federal income tax purposes.

§20–101.

(a) The proceeds of a sale of any property of a person liable for a tax shall be applied in the following order:

(1) to the claim of any purchaser, holder of a security interest, or mechanics' lienor, as those terms are defined in § 6323(h) of the Internal Revenue Code, or to the claim of a judgment creditor whose lien attached before a claim for unpaid tax, interest, and penalties;

(2) to any claim described in § 6323(b), (c), or (d) of the Internal Revenue Code; and

(3) to a claim for any unpaid tax, interest, and penalties.

(b) (1) A judicial officer who makes a sale of property shall determine from the tax collector whether the owner of the property owes any tax, interest, or penalties.

(2) The judicial officer is personally liable and the bond of the officer is liable for any tax, interest, or penalties not paid to the tax collector in violation of this section.

§20–102.

(a) A requirement in this title that a document be under oath means that the document shall be supported by a signed statement made under the penalty of perjury that the contents of the document are true to the best of the knowledge, information, and belief of the individual making the statement.

(b) The oath or affirmation shall be made:

(1) before an individual authorized to administer oaths, who shall certify in writing to have administered the oath or taken the affirmation; or

(2) by a signed statement that:

(i) is in the document or attached to and made part of the document; and

(ii) is expressly made under the penalty of perjury.

(c) If the procedures provided in subsection (b)(2) of this section are used, the affidavit subjects the individual making it to the penalties for perjury to the same extent as an oath or affirmation made before an individual authorized to administer oaths.

(d) A document made under oath shall be signed:

(1) for a corporation, by an officer of the corporation authorized to do so;

(2) for a sole proprietorship, by its owner; or

(3) for a partnership, by a partner authorized to do so.

§20–103.

(a) In this section, "legal holiday" means:

(1) the day on which a legal holiday, as defined under § 1–111 of the General Provisions Article, is observed; or

(2) a federal legal holiday.

(b) Notwithstanding any other law, when the last day to pay a tax, file a tax return, or perform any other act that relates to taxes under this title falls on a Saturday, Sunday, or legal holiday, performance of the act is timely if the act is performed on the next succeeding day that is not a Saturday, Sunday, or legal holiday.

(c) The last day to perform an act described under subsection (b) of this section is the last day of any authorized extension of time.

§20–104.

(a) In this section, "tax information" means:

(1) the amount of income or any other particulars disclosed in a tax return required under any law of the State, if the return contains return information, as defined in § 6103 of the Internal Revenue Code; or

(2) any return information, as defined in § 6103 of the Internal Revenue Code, required to be attached to or included in a tax return required under any law of the State.

(b) Except as provided in subsection (c) of this section, an officer, an employee, a former officer, or a former employee of the State or its political subdivisions may not disclose in any manner tax information acquired as an officer or employee.

(c) (1) Tax information may be disclosed to an employee or officer of the State or its political subdivisions who, by reason of that employment or office, has the right to the tax information.

(2) Tax information may be disclosed in accordance with a proper judicial or legislative order.

§20–107.

(a) This section applies to all counties, except:

(1) Anne Arundel County;

(2) Baltimore City;

(3) Baltimore County;

(4) Cecil County;

(5) Howard County;

(6) Prince George's County;

(7) Queen Anne's County; and

(8) Worcester County.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) A county may provide for the prompt collection of taxes by authorizing discounts or imposing penalties.

§20–108.

(a) Within the period allowed in § 20–127 of this subtitle, an action to collect a tax imposed under this title may be brought in a court of competent jurisdiction.

(b) (1) Except as provided in paragraph (2) of this subsection, if a tax under this title is not paid when due, the tax collector shall request the attorney for the county or municipality to bring an action against the person responsible to pay the tax.

(2) The tax collector does not need to take action under paragraph (1) of this subsection if a lien on real property sufficiently secures the tax or a judgment in the action would not be collectible.

(c) (1) If a request is made under subsection (b) of this section, the attorney for the county or municipality shall bring the action.

(2) In an action under this section, the plaintiff shall be:

(i) the county;

(ii) the municipality; or

(iii) the tax collector authorized by law to collect the tax.

(d) If the attorney for the county or municipality and the tax collector agree that the full amount of the claim is not collectible, the attorney may:

(1) compromise the claim;

(2) accept a lesser amount; and

(3) issue a release of the claim or a satisfaction of the judgment.

§20–109.

(a) In an action under § 20–108 of this subtitle, a request for attachment before judgment against any asset of the defendant may be filed in accordance with the Maryland Rules.

(b) The plaintiff in the action is not required to file an attachment bond.

§20–110.

(a) At the request of the plaintiff in an action under § 20–108 of this subtitle, the action shall be tried as soon as the action is at issue and shall take precedence over all other civil cases.

(b) In an action under § 20–108 of this subtitle, a certificate of the tax collector that shows the amount of tax, penalty, and interest due:

(1) is prima facie evidence of the amount of tax, penalty, and interest; and

(2) imposes on the defendant the burden of proving that the tax, penalty, and interest have been paid or any other defense.

§20–113.

A claim for a refund may be filed with the tax collector who collects the tax, fee,

charge, interest, or penalty by a claimant who:

(1) erroneously pays to a county or municipality a greater amount of tax, fee, charge, interest, or penalty than is properly and legally payable; or

(2) pays to a county or municipality a tax, fee, charge, interest, or penalty that is erroneously, illegally, or wrongfully assessed or collected in any manner.

§20–114.

A claim for refund shall be:

(1) made in the form and verified in the manner that the tax collector requires; and

(2) supported by the documents that the tax collector requires.

§20–115.

A claim for refund shall be filed within 3 years of the date that the tax, interest, or penalty was paid.

§20–116.

(a) The tax collector shall:

(1) investigate each claim for a refund; and

(2) at the request of the claimant, conduct a hearing before a final determination on the claim.

(b) (1) A claim for a refund may not be allowed unless the chief fiscal officer approves the claim.

(2) A claim for refund may not be approved unless all other taxes, fees, and charges due to the State, a county, or a municipality by the person entitled to the refund have been paid.

(c) The tax collector shall give the claimant written notice of:

(1) the final determination of the claim for refund; and

(2) any delay in the payment of an allowed claim.

§20–117.

(a) Except as provided in subsection (b) of this section, a claimant may appeal to the Maryland Tax Court, within 30 days after the date on which a notice under § 20–116(c) of this subtitle is given, in the manner allowed in Title 13, Subtitle 5, Parts

IV and V of the Tax – General Article.

(b) If a claimant is not given notice under § 20–116(c) of this subtitle within 6 months after the claim is filed, the claimant may:

(1) treat the claim as being disallowed; and

(2) appeal the disallowance to the Tax Court.

§20–118.

(a) Unless the claimant has not paid all other taxes, fees, or charges payable to the county or municipality, a tax collector shall pay any claim for refund that has been allowed by the tax collector.

(b) (1) Except as provided in paragraph (2) of this subsection, if a claim for refund is allowed, the tax collector shall pay interest on the refund at the rate set under § 13–604(a) of the Tax – General Article from the date on which the tax, fee, charge, interest, or penalty was paid to the date the refund is paid.

(2) A tax collector may not pay interest on a refund if the claim for refund is based on an error or mistake of the claimant not attributable to the county or municipality.

§20–121.

(a) A person who negligently or without reasonable cause fails to provide any information as required under this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

(b) (1) A person who willfully or with the intent to evade payment or prevent the collection of a tax under this title fails to provide information as required under this title or provides false or misleading information is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 18 months or a fine not exceeding $5,000 or both.

(2) A prosecution under this subsection does not bar a prosecution for perjury.

§20–122.

(a) A person who assaults a tax collector who is performing an official duty is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 months or a fine not exceeding $500 or both.

(b) A person who assaults another person to prevent that person from bidding at a tax collector's sale or because that person bid at a tax collector's sale is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 12 months or

a fine not exceeding $500 or both.

§20–123.

(a) An employee or officer of a county or municipality who negligently fails to perform a duty required relative to a tax under this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $1,000.

(b) An employee or officer of a county or municipality who willfully fails to perform a duty required under this title with the intent to prevent the payment or collection of a tax under this title is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 2 years or a fine not exceeding $5,000 or both.

§20–124.

A person who makes a disclosure of tax information in violation of § 20–104 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both.

§20–127.

(a) Except as provided in subsection (b) of this section, a tax imposed under this title may not be collected after 7 years from the date the tax is due.

(b) If a tax collector fails to collect a tax and a receiver or trustee is appointed within the period specified in subsection (a) of this section to complete the tax collection, the period for collecting the tax extends for 2 years from the date that the trustee or receiver is appointed.

(c) (1) If the assessment of any tax under this title has been made within the period of limitations applicable to the assessment, a tax may not be collected after 7 years from the date of the assessment.

(2) Any judgment entered may be enforced or renewed as any other judgment.

§20–201.

(a) This section applies to a political subdivision of the State that is authorized to impose a sales tax.

(b) Except as part of the imposition of a sales tax generally on business transactions and businesses, a political subdivision may not impose a sales tax on advertising transactions or advertisers.

(c) A political subdivision may not impose a sales tax on advertising transactions or advertisers at a rate that exceeds the rate under a sales tax imposed generally on other business transactions or other businesses by the political

subdivision.

§20–202.

(a) This section applies to a political subdivision of the State that is authorized to impose a gross receipts tax.

(b) A political subdivision of the State may not impose a gross receipts tax on the gross receipts of any person that are received from a sale of:

(1) advertising space:

(i) in any newspaper, magazine, periodical, program, directory, or other printed matter published in the State; or

(ii) on any billboard, structure, vehicle, or airborne device located in the State; or

(2) advertising time on or in connection with any radio or television broadcast originating in the State.

§20–301.

This subtitle applies only to code counties and Garrett County.

§20–302.

For each fiscal year, a county shall impose a tax on every person engaged in the business of surface mining coal in the county.

§20–303.

The tax rate is 30 cents for each ton of surface mined coal that is reported to the Bureau of Mines under § 15–508 of the Environment Article.

§20–304.

(a) (1) In this subsection, "surface mining related activities" does not include the activities of any coal washing preparation coal plant.

(2) A county shall exempt from any county tax personal property that is:

(i) used primarily in surface mining related activities, however operated and whether or not in use; and

(ii) 1. owned by a person subject to the tax imposed under § 20–302 of this subtitle; or

2. leased by a person subject to the tax imposed under §

20–302 of this subtitle if, under the terms of the lease, the lessor is responsible for the personal property tax.

(b) Notwithstanding the exemption of any personal property from county taxation under this section, the property exempted in a county shall continue to be included in the assessable base of the county for the purposes of any other law.

§20–305.

A county tax collector shall deposit in the general fund of the county taxes collected under this subtitle.

§20–306.

(a) (1) Each year the governing body of a county or the governing body's designee shall notify officials of municipalities and officials of other counties receiving coal tax revenues that the officials may request a meeting with the governing body or designee.

(2) On request, the governing body of a county or the governing body's designee shall meet and confer annually with officials of municipalities and with officials of any other county receiving coal tax revenues.

(b) The governing body of a county may distribute up to 5 cents per ton of the money derived from the tax to the municipalities for the reconstruction, repair, or maintenance of municipal coal haul roads and bridges.

§20–307.

(a) To the extent recorded with the clerk of the circuit court, all unpaid county taxes collected under this subtitle are a lien on the personal and real property of the owner of the personal property in the same manner in which a property tax is a lien on the real property with respect to which the tax is imposed in all subdivisions of the State.

(b) The lien will attach to the real property only after notice of the lien has been recorded and indexed among the judgment records in the office of the clerk of the circuit court in the county where the real property is located.

§20–308.

A county that imposes a tax under this subtitle may impose interest and penalties for late payment of the tax.

§20–309.

The county tax collector may adopt regulations necessary to carry out this subtitle and to define any terms used in this subtitle.

§20–401.

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

(b) (1) "Hotel" means an establishment that offers sleeping accommodations for compensation.

(2) "Hotel" includes:

(i) an apartment;

(ii) a cottage;

(iii) a hostelry;

(iv) an inn;

(v) a motel;

(vi) a rooming house; or

(vii) a tourist home.

(c) "Hotel rental tax" means the tax on a transient charge.

(d) (1) (i) Except as provided in subparagraphs (ii), (iii), and (iv) of this paragraph, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 4 consecutive months.

(ii) In Carroll County, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 25 days.

(iii) In Frederick County, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 90 days.

(iv) In Garrett County and Washington County, "transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 30 days.

(2) "Transient charge" does not include any hotel charge for:

(i) services; or

(ii) accommodations other than sleeping accommodations.

(e) "Western Maryland code county" means a code county in the Western Maryland class as established under § 9–302 of this article.

§20–402.

(a) This part applies only to:

(1) subject to subsection (b) of this section, a charter county;

(2) a code county;

(3) Calvert County;

(4) Carroll County;

(5) Cecil County;

(6) Garrett County;

(7) St. Mary's County;

(8) Somerset County; and

(9) Washington County.

(b) To the extent this part conflicts with another law that applies to a charter county, the other law shall prevail over this part.

§20–403.

(a) Except as provided in § 20–404 of this subtitle, a county may impose, by resolution, a hotel rental tax.

(b) (1) This subsection applies only to Calvert County, Charles County, and St. Mary's County.

(2) The governing body of a county shall hold a public hearing before imposing a hotel rental tax.

(3) The hearing:

(i) shall be advertised twice in a newspaper of general circulation in the county at least 10 days before the hearing; and

(ii) may not be part of the annual budget hearing.

§20–404.

(a) The hotel rental tax does not apply to the sale of a right to occupy a room or lodgings as a transient guest at a dormitory or other lodging facility that:

(1) is operated solely in support of the headquarters, a training facility,

a conference facility, an awards facility, or the campus of a corporation or other organization;

(2) provides lodging solely for employees, contractors, vendors, and other invitees of the corporation that owns the dormitory or lodging facility; and

(3) does not offer lodging services to the general public.

(b) By resolution, Calvert County and St. Mary's County may provide a tax exemption for classes of hotels.

(c) In Carroll County, the hotel rental tax does not apply to a hotel with 10 or fewer sleeping rooms.

(d) Cecil County may impose the hotel rental tax only on a transient charge paid to a hotel located in any part of Cecil County that:

(1) is specified by the governing body of Cecil County as a population center;

(2) is not larger than 10 square miles in geographic area; and

(3) has a population of at least 6,000 residents.

(e) In Frederick County, the hotel rental tax does not apply to a hotel with:

(1) 10 or fewer sleeping rooms in its main building; and

(2) not more than 20 additional sleeping rooms in auxiliary structures on the hotel's property.

(f) In Washington County, the hotel rental tax does not apply to a transient charge paid to a hotel by:

(1) the federal government;

(2) a state; or

(3) a unit or instrumentality of a state or the federal government.

§20–405.

(a) Subject to this section, the hotel rental tax rate is the rate that the county sets by resolution.

(b) The hotel rental tax rate may not exceed:

(1) except as otherwise provided in this section, 3% in a code county;

(2) 3% in Cecil County;

(3) 4% in Talbot County;

(4) 5% in Calvert County, Carroll County, Charles County, Dorchester County, Frederick County, St. Mary's County, and Somerset County; and

(5) 6% in Garrett County and Wicomico County.

(c) With the unanimous consent of the county commissioners:

(1) a code county other than a Western Maryland code county may set a hotel rental tax rate up to 5%; and

(2) a Western Maryland code county may set a hotel rental tax rate up to 8%.

(d) The hotel rental tax rate in Washington County is 6%.

§20–406.

(a) A hotel shall:

(1) give a person who is required to pay a transient charge a bill that identifies the transient charge as an item separate from any other charge; and

(2) collect the hotel rental tax from the person who pays the transient charge.

(b) A hotel shall hold any hotel rental tax collected in trust for the county that imposes the tax until the hotel pays the tax to that county as required under this part.

§20–407.

A person shall pay the hotel rental tax to the hotel when the person pays the transient charge.

§20–408.

A hotel shall complete, sign, and file a hotel rental tax return with:

(1) except as provided in item (2) of this section, a code county, on or before the 10th day of each month; and

(2) (i) Cecil County, on or before the 10th day of each month;

(ii) Talbot County and Wicomico County, on or before the 20th day of each month;

(iii) a code county in the Eastern Shore class established in § 9–302 of this article, Calvert County, Carroll County, Charles County, Dorchester County, Frederick County, Garrett County, St. Mary's County, and Somerset County, on or before the 21st day of each month; and

(iv) Washington County, on or before the 25th day of each month.

§20–409.

A hotel rental tax return for a county:

(1) shall be made on the form that the county requires; and

(2) shall contain the information that the county requires, including the amount of:

(i) transient charges paid to the hotel during the prior calendar month; and

(ii) the hotel rental tax required to be collected during the prior calendar month.

§20–410.

A hotel shall pay to the county the hotel rental tax collected for a calendar month with the return that covers that month.

§20–411.

(a) Except in Calvert County, Carroll County, Charles County, St. Mary's County, and Washington County, a hotel is allowed, for administrative costs, a discount equal to 1.5% of the gross amount of hotel rental tax collected if, on or before the due date, the hotel:

(1) files the hotel rental tax return; and

(2) pays the hotel rental tax.

(b) In Calvert County, Carroll County, Charles County, St. Mary's County, and Washington County, the county commissioners may determine whether a hotel is eligible to receive a discount.

§20–412.

To provide for the orderly, systematic, and thorough administration of the hotel rental tax, a county may adopt regulations that:

(1) are consistent with this part; and

(2) conform to the applicable provisions and regulations for the sales and use tax under Title 11 of the Tax – General Article.

§20–413.

(a) The Comptroller shall provide a county with information to help the county verify hotel rental tax liability.

(b) (1) The Comptroller may charge a county a reasonable fee for the cost of providing information under this section.

(2) The county shall treat the fee as a hotel rental tax administrative cost.

§20–414.

(a) To cover the revenue that a tax collector collects under this part, a county may increase the surety bond that the county requires for its tax collector.

(b) The county shall treat any additional premium due to a surety bond increase allowed under subsection (a) of this section as a hotel rental tax administrative cost.

§20–415.

(a) Except as otherwise provided in this part, a code county, Calvert County, Cecil County, Garrett County, or St. Mary's County shall distribute the hotel rental tax revenue as follows:

(1) a reasonable sum for hotel rental tax administrative costs to the general fund of the county;

(2) after the distribution in item (1) of this subsection, the revenue attributable to a hotel located in a municipality to the municipality; and

(3) the remaining balance to the general fund of the county.

(b) Cecil County may not deduct more than 5% of the revenue for administrative costs under subsection (a)(1) of this section.

(c) Garrett County shall designate a part of the balance under subsection (a)(3) of this section for the promotion of the county.

(d) If a Western Maryland code county imposes a tax rate greater than 5%, the revenue attributable to the rate greater than 5% and attributable to a hotel located in a municipality shall be distributed to the general fund of the county.

§20–416.

Carroll County shall distribute the hotel rental tax revenue as follows:

(1) a reasonable sum for hotel rental tax administrative costs to the general fund of the county; and

(2) the remaining balance to tourism and general promotion of Carroll County.

§20–417.

Charles County shall distribute the hotel rental tax revenue to the general fund of the county.

§20–418.

Dorchester County shall distribute the hotel rental tax revenue as follows:

(1) 80% of the revenues attributable to a hotel located in a municipality to that municipality; and

(2) the remaining balance to the general fund of the county.

§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 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 governing body of Frederick County.

§20–420.

Somerset County shall distribute the hotel rental tax revenue to the general fund of the county.

§20–421.

(a) Washington County shall distribute the hotel rental tax revenue as follows:

(1) 50% to the general fund of the county to be used to fund the Hagerstown/Washington County Convention and Visitors Bureau; and

(2) the remaining balance to a special fund to be used only to:

(i) cover costs for wages, postage, supplies, and legal fees incurred in administering the hotel rental tax;

(ii) develop tourism attractions;

(iii) enhance economic development; and

(iv) support cultural and recreational projects in Washington County.

(b) A municipality in Washington County may apply to the County Commissioners of Washington County for funding from the special fund established under subsection (a)(2) of this section for an eligible project within the municipality.

(c) Each year before adoption of its annual budget, the Hagerstown/Washington County Convention and Visitors Bureau shall hold a public hearing on the proposed annual budget.

(d) On or before September 1 of each year:

(1) the County Commissioners of Washington County shall report to the Washington County Senate and House Delegations to the General Assembly on the hotel rental tax revenue collected and the use of the hotel rental tax revenue for the previous fiscal year; and

(2) the Hagerstown/Washington County Convention and Visitors Bureau shall report to the Washington County Senate and House Delegations to the General Assembly on the Bureau's use of the hotel rental tax revenue for the previous fiscal year.

§20–422.

Wicomico County shall distribute the hotel rental tax revenue as follows:

(1) a reasonable sum for hotel rental tax administrative costs, not to exceed 5%, to the general fund of the county;

(2) if the county authorizes a hotel rental tax rate of 6%:

(i) 16.7% of the revenue to the Salisbury Zoological Park; and

(ii) 16.7% of the revenue to the Wicomico County Youth and Civic Center to be used for its improvement and renovation; and

(3) the remaining balance to the general fund of the county to underwrite the Wicomico County Convention and Visitors Bureau.

§20–423.

A county shall make the distributions required under this part between the 15th

day and the 30th day of each calendar month.

§20–424.

(a) (1) On or before October 1 of each year, a Western Maryland code county shall prepare a report on the hotel rental tax.

(2) The report shall be published in a newspaper of general circulation in the county and posted on the county's Internet Web site.

(3) The report shall include:

(i) the amount of revenue the county collected from the hotel rental tax in the previous fiscal year;

(ii) an itemized statement of the use of hotel rental tax revenue; and

(iii) the name and salary of each position in the county unit that administers the hotel rental tax.

(b) A Western Maryland code county shall provide a copy of any audits that relate to the hotel rental tax to the county Senate and House Delegations to the General Assembly.

§20–425.

(a) If a hotel fails to pay the hotel rental tax as required under this part, the hotel shall pay interest on the unpaid tax from the date on which the hotel is required to pay the tax to the date that the tax is paid.

(b) The interest rate for each month or fraction of a month is:

(1) for Cecil County, Dorchester County, Talbot County, Washington County, and Wicomico County, 1%; and

(2) for any other county, 0.5%.

§20–426.

(a) Except in Talbot County or Wicomico County, if a hotel fails to pay the hotel rental tax to a county within 1 month after the payment is due under § 20–410 of this subtitle, the hotel shall pay a tax penalty of 10% of the unpaid tax.

(b) If a hotel fails to pay the hotel rental tax to Talbot County or Wicomico County within 120 days after the payment is due under § 20–410 of this subtitle, the hotel shall pay a tax penalty of 10% of the unpaid tax.

§20–427.

(a) A county may file a civil action to collect unpaid hotel rental tax.

(b) A county may collect unpaid hotel rental tax by distraint.

(c) Except in Calvert County and St. Mary's County, unpaid hotel rental tax is:

(1) a lien against the real and personal property of the person owing the tax; and

(2) collectible in the same manner as the property tax may be collected under the Tax – Property Article.

§20–428.

(a) (1) Subject to paragraph (2) of this subsection, to protect hotel rental tax revenue, a county may require a hotel to file security with the county in an amount that the county determines.

(2) Cecil County, Talbot County, and Wicomico County may require security under this section only for a hotel that has been in default.

(b) Security under this section shall be:

(1) a bond issued by a surety company that is:

(i) authorized to do business in the State; and

(ii) approved by the Insurance Commissioner as to solvency and responsibility;

(2) cash; or

(3) security approved by the county.

(c) (1) If security is required under this section, the county shall give the hotel notice of the amount of security.

(2) Within 5 days after a hotel receives notice that security is required, the hotel shall:

(i) file the security; or

(ii) submit a written request for a hearing on the security requirement.

(d) (1) If a hearing is requested under subsection (c) of this section, the county shall hold a hearing to determine the necessity, propriety, and amount of the security.

(2) (i) The determination at the hearing is final.

(ii) The hotel shall comply within 15 days after the hotel receives notice of the determination.

(e) Without notice to the hotel that files security under subsection (b)(2) or (3) of this section, the county at any time may:

(1) apply the cash to the hotel rental tax due; or

(2) sell the security and apply the proceeds of the sale to the hotel rental tax due.

§20–431.

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

(b) "Hotel" has the meaning stated in § 20–401 of this subtitle.

(c) "Hotel rental tax" means the tax on a transient charge.

(d) (1) "Transient charge" means a hotel charge for sleeping accommodations for a period not exceeding 4 consecutive months.

(2) "Transient charge" does not include any hotel charge for:

(i) services; or

(ii) accommodations other than sleeping accommodations.

§20–432.

(a) Except as provided in subsections (b) and (c) of this section, a municipality may impose, by ordinance or resolution, a hotel rental tax.

(b) (1) In this subsection, "hotel rental tax revenue sharing arrangement" includes:

(i) a requirement under §§ 20–415 through 20–422 of this subtitle that a county distribute revenue from a county hotel rental tax to a municipality; or

(ii) any other hotel rental tax revenue sharing requirement, agreement, or arrangement between a county and a municipality.

(2) A municipality in a county that has a hotel rental tax revenue sharing arrangement between the municipality and the county may not impose a hotel rental tax under this part.

(c) A municipality may not impose a hotel rental tax if:

(1) the hotel has 10 or fewer sleeping rooms; or

(2) the municipality is located in a county that:

(i) distributes at least 50% of total county hotel rental tax revenues to promote tourism in the county; or

(ii) does not impose a tax on a transient charge paid to a hotel.

§20–433.

(a) Subject to subsection (b) of this section, a municipality shall set the rate of the hotel rental tax.

(b) The hotel rental tax for a municipality may not exceed 2%.

§20–434.

A municipality that imposes a hotel rental tax may:

(1) provide for the administration and collection of the tax;

(2) provide for additional exemptions from the tax; and

(3) impose penalties for failure to collect, report, or pay the tax.

§20–435.

A municipality that imposes a hotel rental tax under this part shall distribute to a convention and visitors bureau in the county where the municipality is located at least the same percentage of the hotel rental tax collected that the county distributes to the convention and visitors bureau from any county hotel rental tax.

§20–436.

If a county has the authority under Part I of this subtitle or any other law to impose a tax on transient charges paid to hotels, to accommodate a tax imposed under this part by a municipality, the county may impose a tax rate on transient charges paid to hotels located in the municipality that is lower than the tax rate imposed on transient charges paid to hotels outside the municipality.

§20–501.

(a) (1) In this section the following words have the meanings indicated.

(2) "Camping shelter" means a tent or other collapsible structure that provides temporary living quarters for recreational, camping, or travel use.

(3) "Mobile home park" means a mobile home court or park or a trailer

park.

(4) "Recreational vehicle" means a trailer or other vehicle that provides temporary living quarters for recreational, camping, or travel use.

(b) (1) By resolution or ordinance, a county or municipality may impose a tax on the amount paid for:

(i) the rental, leasing, or use of any space, facility, or accommodation in a mobile home park; or

(ii) services provided by a mobile home park.

(2) The tax authorized under this subsection does not apply to a recreational vehicle or camping shelter if:

(i) the recreational vehicle or camping shelter is intended and used only for temporary occupancy of 30 days or less; or

(ii) the county or municipality imposes the tax authorized under subsection (c) of this section.

(c) (1) Except as provided in paragraph (3) of this subsection, by resolution or ordinance, a county or municipality may impose a tax on the amount paid for:

(i) the rental, leasing, or use of any space, facility, or accommodation in a mobile home park for a recreational vehicle or camping shelter, regardless of the period of occupancy; or

(ii) services provided by a mobile home park in connection with the rental, leasing, or use of any space, facility, or accommodation for a recreational vehicle or camping shelter.

(2) Except as provided in paragraph (3) of this subsection, the rate of the tax authorized under this subsection may not exceed 3% of the amount subject to the tax.

(3) In Washington County:

(i) the rate of the tax authorized under this subsection is 6%;

(ii) the tax authorized under this subsection applies only to a recreational vehicle or camping shelter intended and used only for temporary occupancy of 30 days or less; and

(iii) the revenue from the tax authorized under this subsection shall be distributed in the same manner as the hotel rental tax under § 20–421 of this title.

(d) A county or municipality may require the operator or owner of a mobile home

park to collect a tax authorized under this section and remit the tax collected to the county or municipality or to the agency that the county or municipality designates.

(e) A county or municipality may provide for:

(1) the maintenance of public records relating to a tax authorized under this section and its collection; and

(2) the inspection or publication of the records.

(f) A county or municipality may provide for penalties for failure to comply with the requirements relating to a tax authorized under this section.

(g) This section does not affect any requirement concerning permits to locate a trailer, house trailer, trailer coach, or mobile home.

§20–502.

(a) In this section, "mobile home" means a form of housing that:

(1) is commonly known as a trailer or house trailer;

(2) is or can be used for residential purposes; and

(3) (i) is permanently attached to land; or

(ii) is connected to water, gas, electric, or sewage facilities.

(b) By ordinance, Charles County may impose a tax on the use of a mobile home located in the county.

(c) The tax authorized under this section does not apply to a mobile home that is:

(1) unoccupied;

(2) held for sale on a sales lot; or

(3) located on property used as a mobile home park.

(d) The tax authorized under this section may not exceed $250 each year for each mobile home.

(e) (1) An owner of property on which a mobile home subject to the tax under this section is located shall pay the tax to the county office that the County Commissioners of Charles County designate by ordinance.

(2) (i) If the occupant of a mobile home subject to the tax under this section rents from the property owner the mobile home or the property on which the

mobile home is located, the property owner shall collect the tax from the occupant of the mobile home.

(ii) The property owner may collect the tax from the occupant under subparagraph (i) of this paragraph as a part of the rental fees.

(iii) If an occupant fails to pay the tax as required under this paragraph, the property owner may exercise any right available to the property owner for nonpayment of rental fees.

(iv) A property owner required to collect the tax from an occupant of a mobile home under subparagraph (i) of this paragraph may be personally liable for the tax collected or required to be collected.

(f) If the county imposes the tax authorized under this section, the county, by ordinance, may provide for:

(1) assessment of the tax as of the date of finality for the real property taxes of the property owner;

(2) maintenance of records relating to the tax and its collection;

(3) pro rata assessment of the tax when a mobile home is occupied less than 12 months per year;

(4) other requirements relating to the administration of the tax; and

(5) penalties for failure to comply with the requirements relating to the tax.

§20–601.

(a) Except as provided in subsection (b) of this section, a county may impose a sales or use tax on controlled dangerous substances as defined in § 5–101 of the Criminal Law Article.

(b) A county may not impose a sales or use tax under subsection (a) of this section on sales by a person who complies with Title 5, Subtitle 3 of the Criminal Law Article.

§20–602.

(a) (1) In this section the following words have the meanings indicated.

(2) "Beverage" does not include an alcoholic beverage, as defined in § 5–101 of the Tax – General Article, if the alcoholic beverage is sold for consumption off the premises.

(3) "Convention center facility" means a convention center of at least

150,000 net square feet that is used for the holding of conventions, trade shows, meetings, displays, entertainment shows, or similar events but does not have lodging facilities.

(4) "Food" has the meaning stated in § 11–206 of the Tax – General Article.

(5) "Premises" has the meaning stated in § 11–206 of the Tax – General Article.

(6) "Public local law" has the meaning stated in Article XI–F, § 1 of the Maryland Constitution.

(7) "Resort area" means any portion of a county, as specified by the county commissioners of the county, that:

(i) by reason of natural, scenic, or man–made attractions or development, has an unusual influx of visitors, sojourners, and temporary residents; and

(ii) by reason of the influx, requires municipal services in unusual number or magnitude.

(8) "Substantial grocery or market business" has the meaning stated in § 11–206 of the Tax – General Article.

(9) "Taxable price" has the meaning stated in § 11–101 of the Tax – General Article.

(b) (1) Except as otherwise provided in this section, the county commissioners of a code county, by public local law, may impose a tax on the sale of food and beverages in a resort area in the county for the sole purpose of providing revenues to pay the principal and interest on bonds issued relating to the construction, reconstruction, repair, renovation, or equipping of a convention center facility in the resort area.

(2) The total oustanding principal amount of the bonds issued by the county commissioners for the purpose stated in paragraph (1) of this subsection may not exceed $20,000,000.

(c) (1) Before passing a public local law imposing a tax under this section or altering the amount of the tax, the county commissioners shall hold a public hearing.

(2) Notice of the hearing shall be published in at least one newspaper of general circulation in the county not less than 3 or more than 14 days before the hearing.

(3) The notice shall state the subject of the hearing and the time and place that the hearing will occur.

(d) A tax imposed under this section does not apply to:

(1) a sale of food that is exempt from the State sales and use tax under § 11–206 of the Tax – General Article;

(2) a sale of food or beverages for consumption off the premises if sold by a vendor that operates a substantial grocery or market business at the same location where the food is sold, even if the sale is subject to the State sales and use tax under Title 11 of the Tax – General Article; or

(3) a sale of food or beverages in a vending machine.

(e) A tax imposed under this section may not exceed 1% of the taxable price of a sale of food or beverages that are subject to the tax.

(f) A tax imposed under this section shall be:

(1) collected from the buyer on behalf of the county by the vendor who makes a sale that is subject to the tax; and

(2) held in trust by the vendor for the county.

(g) (1) A vendor required to collect a tax imposed under this section shall file a return with the county on or before the 21st day of each month.

(2) A return required under this section:

(i) shall be made on the form that the county requires; and

(ii) shall contain the information that the county requires, including:

1. the gross proceeds of the vendor during the preceding month from sales that are subject to the tax;

2. the taxable price of sales for the month on which the tax is computed; and

3. the tax due.

(h) (1) A vendor who makes a sale that is subject to a tax imposed under this section shall pay the tax that the vendor collects for the sale with the return that covers the period in which the vendor makes the sale.

(2) For the expense of collection and remittance of a tax imposed under this section, a vendor who timely files a return and remits the tax may deduct an amount equal to 1.5% of the gross tax collected by the vendor.

(i) The county commissioners may provide by law for:

(1) the imposition of interest and penalties for failure to pay the tax as required; and

(2) collection of unpaid tax, interest, or penalties.

(j) (1) The Comptroller shall provide a county that imposes a tax under this section with information to help the county verify liability for the tax.

(2) The Comptroller may charge a county a reasonable fee for the cost of providing information under this subsection.

(k) From the total revenue derived from a tax imposed under this section, the county commissioners shall:

(1) deduct a reasonable percentage not to exceed 5% for the cost of imposing and collecting the tax; and

(2) after the deduction in item (1) of this subsection, distribute the revenue to the appropriate authority to be deposited in a sinking fund and used for the sole purpose of paying the principal and interest on bonds issued relating to a convention center facility in accordance with subsection (b) of this section.

(l) (1) If any tax is imposed by the county commissioners of a county in accordance with this section, the authority to impose the tax in the county shall terminate at the end of the month in which sufficient revenues have been generated to pay in full the maturing principal of and interest on any bonds issued relating to a convention center in accordance with subsection (b) of this section.

(2) The county commissioners shall notify the Comptroller as to the month in which the authority to impose the tax expires.

§20–603.

(a) By ordinance, Anne Arundel County may impose a sales or use tax on:

(1) fuel and utilities used by commercial and industrial businesses;

(2) residential, commercial, and industrial telephone service; and

(3) space rentals other than space rentals for the docking or storing of boats.

(b) (1) Any revenues collected under subsection (a)(1) and (2) of this section in the City of Annapolis shall be allocated and distributed in equal amounts to the City of Annapolis and to Anne Arundel County.

(2) Except as otherwise provided in this subsection, any revenue generated in the City of Annapolis from the tax on space rentals shall be collected and

retained by the City of Annapolis.

(3) Except as provided in paragraph (6) of this subsection, any revenue generated in the City of Annapolis from the hotel tax shall be collected by Anne Arundel County.

(4) From any revenue generated in the City of Annapolis from the hotel tax, Anne Arundel County shall distribute:

(i) 3% to the Arts Council of Anne Arundel County, Inc.; and

(ii) 17% to the Annapolis and Anne Arundel County Conference and Visitors Bureau.

(5) After making the distributions required under paragraph (4) of this subsection, the balance of the revenue generated in the City of Annapolis from the hotel tax shall be distributed to the City of Annapolis.

(6) (i) Anne Arundel County may authorize the City of Annapolis to collect revenue generated in the City of Annapolis from the hotel tax.

(ii) If Anne Arundel County authorizes the City of Annapolis to collect revenue generated in the City of Annapolis from the hotel tax, the City of Annapolis shall distribute a percentage of the revenue in accordance with paragraph (4) of this subsection and retain the balance of the revenue generated.

(c) (1) From the county's share of revenue from the hotel tax, Anne Arundel County shall distribute:

(i) 3% to the Arts Council of Anne Arundel County, Inc.; and

(ii) 17% to the Annapolis and Anne Arundel County Conference and Visitors Bureau.

(2) After making the distributions required under paragraph (1) of this subsection, the balance of the county's share of revenue from the hotel tax shall be credited to the general fund of the county.

(d) The Arts Council of Anne Arundel County, Inc. and the Annapolis and Anne Arundel County Conference and Visitors Bureau shall report to the Anne Arundel County Executive and the members of the General Assembly representing Anne Arundel County on their use of hotel tax revenue during the preceding fiscal year.

(e) The hotel tax authorized under this section does not apply to the sale of a right to occupy a room or lodgings as a transient guest at a dormitory or other lodging facility that:

(1) is operated solely in support of the headquarters, a training facility,

a conference facility, an awards facility, or the campus of a corporation or other organization;

(2) provides lodging solely for employees, contractors, vendors, and other invitees of the corporation that owns the dormitory or lodging facility; and

(3) does not offer lodging services to the general public.

§20–604.

(a) (1) Subject to paragraph (2) of this subsection and except as provided in subsection (b) of this section, by ordinance, the County Council for Prince George's County may impose a sales or use tax on any form of energy or fuel used in Prince George's County.

(2) The percentage of a tax imposed under this section may not exceed the percentage in effect on July 1, 1992.

(b) (1) Subject to paragraph (2) of this subsection, this section does not apply to:

(i) motor vehicle fuels;

(ii) fuels used in the production of other forms of energy that are subject to the tax imposed under this section; or

(iii) energy or fuel used by a municipality in Prince George's County.

(2) Notwithstanding any other law, subject to paragraph (3) of this subsection, the sale or use of energy or fuel used by the Washington Suburban Sanitary Commission in Prince George's County is not exempt from the tax imposed under this section.

(3) The County Council for Prince George's County may provide exemptions from the tax imposed under this section that are in addition to the exemptions under paragraph (1) of this subsection.

(c) The County Council for Prince George's County:

(1) shall provide for the refund of the tax imposed under this section to a person who is eligible for:

(i) a tax credit under § 9–102 or § 9–104 of the Tax – Property Article; or

(ii) weatherization or energy assistance from the State; and

(2) may provide for the refund of the tax imposed under this section to a person who is not eligible for a refund under item (1) of this subsection.

(d) (1) Except as provided in paragraph (2) of this subsection, the tax imposed under this section:

(i) shall be either a percentage of the net energy or fuel bill or an amount per unit of fuel or energy;

(ii) shall be itemized on the bill;

(iii) may not be considered part of the price charged for the energy or fuel; and

(iv) is not subject to the approval of the Public Service Commission.

(2) (i) A heating fuel vendor may include the tax imposed under this section as part of the price charged for fuel oil.

(ii) If the local tax is included in the price, the fuel oil bill shall state that clearly.

(3) The vendor shall collect the tax on behalf of Prince George's County.

(e) The net proceeds of the tax imposed under this section shall be used only for funding of:

(1) the public ethics provisions under Title 5, Subtitle 8, Part V of the General Provisions Article; or

(2) public education in the following budget categories in Prince George's County:

(i) instructional salaries;

(ii) instructional materials and related costs;

(iii) special education; and

(iv) fixed charges.

(f) For each fiscal year, Prince George's County shall appropriate local money to the school operating budget in an amount not less than the sum of:

(1) the excess of the amount of the projected revenue for the fiscal year from the tax authorized under this section over the projected revenue from the tax for the prior fiscal year; and

(2) the amount of local money that Prince George's County is required by State law to appropriate to the school operating budget.

§20–605.

(a) (1) In this section the following words have the meanings indicated.

(2) "Mobile Telecommunications Sourcing Act" means the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. §§ 116 through 126.

(3) "Service address" means:

(i) except as provided in item (ii) of this paragraph, the location of the telecommunications equipment to which a call is charged, regardless of where the call is billed or paid; and

(ii) in the case of mobile telecommunications service, the location of the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Act.

(b) (1) Except as otherwise provided in this section, the sales and use tax imposed under this section applies to telecommunications service that:

(i) originates and terminates in Prince George's County; or

(ii) originates or terminates in Prince George's County and has a service address in Prince George's County.

(2) Notwithstanding paragraph (1) of this subsection, and except as provided in paragraph (3) of this subsection, for a customer bill to which the amendment made by the Mobile Telecommunications Sourcing Act applies, the sales and use tax imposed under this section applies to mobile telecommunications service to the fullest extent authorized under § 117(b) of the Mobile Telecommunications Sourcing Act.

(3) A tax imposed under this section does not apply to:

(i) telecommunications service provided to a person to whom a sale of tangible personal property or a taxable service is exempt under § 11–204 or § 11–220 of the Tax – General Article;

(ii) a prepaid telephone calling arrangement that is taxable under Title 11 of the Tax – General Article; or

(iii) telephone lifeline service provided under § 8–201 of the Public Utilities Article.

(c) By ordinance, the County Council for Prince George's County shall impose a sales and use tax on telecommunications service in Prince George's County at a rate not less than 5%.

(d) (1) The tax imposed under this section shall be itemized on each bill for telecommunications service in Prince George's County.

(2) Each vendor providing telecommunications service in Prince George's County shall collect the tax on behalf of and remit the tax to the county.

(e) (1) The net proceeds of the revenue from the tax imposed under this section shall be used as follows:

(i) at least 90% of the net proceeds shall be used for operating expenditures for the Prince George's County school system; and

(ii) the remainder shall be used for:

1. cash payments for capital expenditures for school renovation projects approved by the Prince George's County Board of Education and Prince George's County; or

2. payment of debt service on bonds issued by the governing body of Prince George's County for school renovation projects approved by the Prince George's County Board of Education and Prince George's County.

(2) The proceeds provided under this section for the Prince George's County school system may not be used to supplant:

(i) any State aid for education provided to Prince George's County; or

(ii) any county funds provided to the Prince George's County school system.

(3) Among the expenditures to be funded from the proceeds, the Prince George's County Board of Education shall consider:

(i) a program to serve disruptive, delinquent, or low–performing students in grades 6 through 12 that:

1. provides proof of progress in reading and mathematics;

2. is designed to include small learning communities and areas of support services provided by community–based providers; and

3. is operated by an educational provider with substantial experience serving the type of student population served by the program in separate school facilities provided by the education provider, unless the public school system decides otherwise;

(ii) a Spanish language immersion program to serve at least 450

students in kindergarten through grade 5 in order to address long–term labor needs for bilingual employees; and

(iii) addressing any needs related to capital improvements or renovations that are the result of the deferral of maintenance or other deterioration of school facilities.

(4) On or before December 31 of each year, the governing body of Prince George's County shall submit a report detailing the expenditure of revenues generated from the tax imposed under this section to the Department of Legislative Services, the Prince George's County school system, and the Prince George's County Delegation of the General Assembly.

§20–606.

(a) Except as provided in subsection (b) of this section, by ordinance, the County Commissioners of St. Mary's County may impose a sales or use tax on any form of energy or fuel used or consumed in St. Mary's County.

(b) This section does not apply to:

(1) motor vehicle fuels;

(2) fuels used in the production of other forms of energy that are subject to the tax imposed under this section; or

(3) energy or fuel used by a municipality in St. Mary's County.

(c) Before the County Commissioners of St. Mary's County impose a tax under this section, the county commissioners shall hold a public hearing that:

(1) is advertised twice at least 10 days before the hearing in a newspaper of general circulation in St. Mary's County; and

(2) is not part of an annual budget hearing.

(d) (1) The County Commissioners of St. Mary's County may provide for the refund of the tax imposed under this section to a person who is eligible for:

(i) a tax credit under § 9–102 or § 9–104 of the Tax – Property Article; or

(ii) weatherization or energy assistance from the State.

(2) The county commissioners may provide for the refund of the tax imposed under this section to additional classes of persons based on:

(i) age;

(ii) income; or

(iii) charitable endeavors.

(e) (1) The tax imposed under this section shall be either:

(i) a percentage of the net energy or fuel bill; or

(ii) an amount per unit of fuel or energy.

(2) (i) If the tax imposed under this section is imposed as a percentage of the net energy or fuel bill, the rate of the tax may not exceed 5%.

(ii) If the tax imposed under this section is imposed as an amount per unit of fuel or energy, the amount per unit for each separate classification of energy or fuel, for any fiscal year, may not exceed 5% of a fraction:

1. the numerator of which is the sum of the total amounts billed in St. Mary's County by all vendors for energy or fuel subject to the tax within that classification during the calendar year that ends before the beginning of the fiscal year; and

2. the denominator of which is the total number of units of energy or fuel subject to the tax within that classification used or consumed in St. Mary's County during the calendar year that ends before the beginning of the fiscal year.

(3) The County Commissioners of St. Mary's County may establish different rates of tax on energy or fuel used for residential, commercial, and industrial purposes.

(f) (1) Except as provided in paragraph (2) of this subsection, the tax imposed under this section:

(i) shall be itemized on the bill;

(ii) may not be considered part of the price charged for the energy or fuel; and

(iii) is not subject to the approval of the Public Service Commission.

(2) (i) A heating fuel vendor may include the tax imposed under this section as part of the price charged for fuel oil.

(ii) If the tax imposed under this section is included in the price, the fuel oil bill shall state that clearly.

(3) The vendor shall collect the tax on behalf of St. Mary's County.

(g) (1) On or before February 1 of each year, a vendor of energy or fuel subject to the tax imposed under this section shall certify to the County Commissioners of St. Mary's County, for each separate classification of energy or fuel for the preceding calendar year:

(i) the total amount billed by the vendor in St. Mary's County; and

(ii) the total number of units sold by the vendor in St. Mary's County.

(2) If the tax imposed under this section is imposed as an amount per unit of fuel or energy, the county commissioners shall determine the maximum amount per unit allowed under subsection (e)(2)(ii) of this section based on the totals certified by vendors under paragraph (1) of this subsection.

§20–607.

(a) By ordinance, the governing body of Wicomico County may impose a user fee on the charges for all ticketed events held at the Wicomico County Youth and Civic Center.

(b) (1) Subject to paragraph (2) of this subsection, the governing body of Wicomico County shall set the rate of the user fee.

(2) The rate of the user fee may not exceed 5% of the charge for a ticket to an event held at the Wicomico County Youth and Civic Center.

(c) Any revenue from the user fee authorized under this section shall be dedicated to the physical improvement of and renovations to the Wicomico County Youth and Civic Center.

§20–608.

(a) By ordinance, a municipality may impose a user fee on charges for the docking and storage of boats.

(b) (1) Subject to paragraph (2) of this subsection, a municipality shall set the rate of the user fee.

(2) The rate of the user fee may not exceed 5% of the rental charges for the docking and storage of boats.

(c) The total amount of user fees charged per boat slip under this section may not exceed $100 annually.

(d) A municipality shall use any revenue from the user fee authorized under this section to maintain and enhance:

(1) water quality;

(2) water and wastewater treatment facilities;

(3) marinas;

(4) law enforcement;

(5) public safety; or

(6) fire services.

§20–609.

(a) (1) In this section the following words have the meanings indicated.

(2) "Gross receipts shortage" means the amount by which the property tax calculated under subsection (e)(2) of this section that would have been due exceeds the total gross receipts tax remitted under subsection (d) of this section.

(3) "Gross receipts surplus" means the amount by which the total gross receipts tax remitted under subsection (d) of this section exceeds the amount of property tax calculated under subsection (e)(2) of this section that would have been due.

(4) (i) "Heavy equipment property" means construction, earthmoving, or industrial equipment that is mobile, including any attachment for the heavy equipment.

(ii) "Heavy equipment property" includes:

1. a self–propelled vehicle that is not designed to be driven on a highway; and

2. industrial electrical generation equipment, industrial lift equipment, industrial material handling equipment, or other similar industrial equipment.

(5) "Short–term lease or rental" means the lease or rental of heavy equipment property for a period of 365 days or less.

(b) (1) Except as provided in subsection (c) of this section, there is a tax at a rate of 2% on the gross receipts from the short–term lease or rental of heavy equipment property by a person whose principal business is the short–term lease or rental of heavy equipment property at retail.

(2) A person is in the principal business of short–term lease or rental of heavy equipment property if:

(i) the largest segment of total rental receipts of the business is from the short–term lease or rental of heavy equipment property; and

(ii) the business is described under Code 532412 of the North American Industry Classification System as published by the United States Census Bureau.

(c) The tax imposed under this section does not apply to a business located in a county or municipality that does not impose a personal property tax.

(d) (1) A person who owns a business with gross receipts subject to the tax under this section shall collect the tax from the rental customer and remit the tax as provided in this subsection.

(2) The tax is payable quarterly and due by the last day of the month after the end of the quarter.

(3) A person who owns a business with gross receipts subject to the tax under this section shall remit the tax collected to:

(i) the county in which the business is located, if that location is not within a municipality; or

(ii) the county and municipality in which the business is located in proportion to the personal property tax rate of the county and municipality, if that location is within a municipality.

(4) Notwithstanding any other law and except as otherwise provided in this section, the gross receipts tax imposed under this section shall be administered and collected according to the laws applicable to the personal property tax under the Tax – Property Article.

(e) (1) A person who owns a business with gross receipts subject to the tax under subsection (b) of this section shall submit:

(i) to the Department of Assessments and Taxation a report on personal property as required under § 11–101 of the Tax – Property Article; and

(ii) to the county or municipality where the heavy equipment rental business is located a list of all personal property, including the original cost and date of acquisition of the property, that:

1. is subject to the gross receipts tax under this section; and

2. is exempt from the property tax under § 7–243 of the Tax – Property Article.

(2) For each person that submits a list under paragraph (1)(ii) of this subsection, a county or municipality shall calculate the amount of property tax that would have been due for all property that is exempt under § 7–243 of the Tax – Property Article.

(3) A county or municipality shall calculate the difference between:

(i) the total gross receipts tax remitted under subsection (d) of this section by the person during the previous calendar year; and

(ii) the amount of property tax calculated under paragraph (2) of this subsection that would have been due.

(4) (i) On or before February 28 of each year, a county or municipality shall provide a statement to each person who owns a business with gross receipts subject to the tax under subsection (b) of this section that includes:

1. the total gross receipts tax remitted under subsection (d) of this section during the previous calendar year;

2. the total property tax calculated under paragraph (2) of this subsection that would have been due; and

3. the gross receipts shortage or gross receipts surplus.

(ii) If the statement includes a gross receipts shortage, the county or municipality shall include with the statement a bill for the amount of the gross receipts shortage payable on or before March 31 of each year.

(5) The list required under paragraph (1)(ii) of this subsection shall be submitted with the second quarterly payment required under subsection (d)(2) of this section.

§20–701.

By public local law, the county commissioners of a code county may impose development impact fees to finance any of the capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development.

§20–702.

By ordinance or resolution, the County Commissioners of Carroll County may impose development impact fees to finance any of the capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development.

§20–703.

(a) Subject to subsection (b) of this section, by ordinance, the 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 under this section, the governing body of Frederick County shall hold a public hearing.

§20–704.

(a) Subject to subsection (b) of this section, by ordinance or resolution, the County Commissioners of Garrett County may impose development impact fees to finance any of the capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development.

(b) Before adopting an ordinance or a resolution under this section, the County Commissioners of Garrett County shall hold a public hearing and provide reasonable notice of the hearing.

§20–705.

(a) By ordinance, the County Council of Harford County may impose a development impact fee not exceeding $10,000 on new construction or development.

(b) (1) The County Treasurer shall deposit the revenues from the development impact fee into a special fund.

(2) The revenues from the special fund may be used only for school:

(i) site acquisition;

(ii) construction;

(iii) renovation;

(iv) debt reduction; or

(v) capital expenses.

(c) A municipality in Harford County shall assist the county council in the collection of the development impact fee in the municipality by:

(1) collecting and remitting the fee to the county; or

(2) requiring the fee to be paid to the county in accordance with the county ordinance.

(d) If a development impact fee is enacted under this section, the county shall:

(1) prepare an annual report on the revenues generated by the development impact fee and how those revenues were spent; and

(2) on or before May 31 of each year, submit the report to the Harford County Delegation to the General Assembly.

§20–706.

(a) (1) The County Commissioners of St. Mary's County may impose building permit fees in an amount up to 2% of the cost of any new construction of any living units:

(i) built in St. Mary's County; or

(ii) prebuilt and brought into St. Mary's County.

(2) The county commissioners shall set the building permit fees in December of each year.

(b) (1) Subject to paragraphs (2), (3), and (4) of this subsection, by ordinance or resolution, the County Commissioners of St. Mary's County may impose a development impact fee to finance any of the costs for facilities described in subsection (c) of this section required to accommodate new construction or development.

(2) By ordinance, the county commissioners may enact an exemption to the development impact fee imposed under paragraph (1) of this subsection for the first three lots in a minor subdivision that are:

(i) recorded after June 1, 2000, and created from a parcel of record or a lot of record; and

(ii) transferred to a natural, direct lineal descendant or a legally adopted child or grandchild.

(3) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, for each fiscal year, the county commissioners may:

1. waive the development impact fee imposed under paragraph (1) of this subsection for up to 60 newly constructed living units, excluding mobile homes; and

2. defer or provide for the amortization of the development impact fee for up to 70 newly constructed living units, excluding mobile homes.

(ii) The county commissioners may waive, defer, or amortize the development impact fee only for newly constructed living units that:

1. are considered affordable for individuals whose family income in the previous fiscal year was less than 60% of the county median family income as reported by the U.S. Department of Housing and Urban Development; and

2. do not exceed a specified square footage determined by the county commissioners.

(iii) The total amount of development impact fees waived, deferred, or amortized shall be reflected in the St. Mary's County annual capital budget for the fiscal year in which the waiver, deferral, or amortization is granted.

(4) The county commissioners may defer the building impact fee imposed on a newly constructed living unit constructed in accordance with a building trades program approved by the St. Mary's County Board of Education until the earlier of:

(i) 1 year from the time the fee would otherwise have been payable; or

(ii) the time the living unit is sold and conveyed.

(c) The revenue derived from this section shall be used to defray the cost to St. Mary's County for additional educational, water, sewerage, road, sanitation, solid waste, park, or similar facilities.

§20–801.

(a) "Public local law" has the meaning stated in Article XI–F, § 1 of the Maryland Constitution.

(b) (1) Subject to paragraph (2) of this subsection, by public local law, the county commissioners of a code county may impose a development excise tax when a subdivision lot is initially sold or transferred to finance any of the capital costs of additional or expanded public school facilities or improvements.

(2) A county that imposes a development impact fee may not impose a development excise tax under this section.

(c) (1) Before passing a public local law imposing a development excise tax or altering the amount of the tax, the county commissioners shall hold a public hearing.

(2) Notice of the hearing shall be published in at least one newspaper of general circulation in the county not less than 3 or more than 14 days before the hearing.

(3) The notice shall state:

(i) the subject of the hearing;

(ii) the time and place that the hearing will occur;

(iii) the amount of the tax; and

(iv) when during the subdivision process the tax shall be paid.

(d) (1) A development excise tax imposed under this section by a county other than a code county in the Eastern Shore class may not exceed $2,000 per lot.

(2) A development excise tax imposed under this section by a code county in the Eastern Shore class may not exceed $5,000 per lot.

(e) (1) The county commissioners shall deposit development excise taxes in an account known as the "educational facilities improvement fund".

(2) Money in the educational facilities improvement fund may be used only to pay for capital projects, or for debt incurred for capital projects, for additional or expanded public school facilities or improvements.

§20–802.

(a) "Public local law" has the meaning stated in Article XI–F, § 1 of the Maryland Constitution.

(b) (1) Subject to paragraph (2) of this subsection, by public local law, the county commissioners of a code county may impose a development excise tax when a subdivision lot is initially sold or transferred to finance any of the costs of purchasing development rights on agricultural land.

(2) A county that imposes a development impact fee may not impose a development excise tax under this section.

(c) (1) Before passing a public local law imposing a development excise tax or altering the amount of the tax, the county commissioners shall hold a public hearing.

(2) Notice of the hearing shall be published in at least one newspaper of general circulation in the county not less than 3 or more than 14 days before the hearing.

(3) The notice shall state:

(i) the subject of the hearing;

(ii) the time and place that the hearing will occur;

(iii) the amount of the tax; and

(iv) when during the subdivision process the tax shall be paid.

(d) A development excise tax imposed under this section may not exceed $750 per lot.

(e) (1) The county commissioners shall deposit development excise taxes in an account known as the "agricultural land preservation fund".

(2) Money in the agricultural land preservation fund may be used only to pay for the purchase of development rights on agricultural land.

§20–803.

(a) By ordinance, the County Commissioners of Calvert County may impose a building excise tax on any building construction in Calvert County.

(b) The County Commissioners of Calvert County shall specify in the ordinance the types of building construction that are subject to the tax.

(c) The County Commissioners of Calvert County may impose different tax rates on different types of building construction.

(d) The revenues from the tax:

(1) shall be deposited in the county's general fund; and

(2) may be used for any lawful purpose in the county.

§20–804.

(a) (1) In this section the following words have the meanings indicated.

(2) "Dwelling type" means a single family detached home, town house, or multifamily housing unit.

(3) "New residential development" means the development of land that results in the issuance of a use and occupancy permit for a residential dwelling unit.

(4) "New school capacity construction bonds" means 10–year bonds issued by the County Commissioners of Charles County under § 19–616 of this article.

(b) (1) By local law, the County Commissioners of Charles County may impose a fair share school construction excise tax against the owner of real property that is improved by new residential development.

(2) Before enacting a local law under this section, the county commissioners shall hold a public hearing and provide reasonable notice of the hearing.

(c) (1) (i) For fiscal year 2003, the tax may not exceed:

1. for a single–family detached home, $9,700;

2. for a town house, $9,200; and

3. for a multifamily housing unit, $7,000.

(ii) For each fiscal year after fiscal year 2003, the tax may not exceed the limits set forth in subparagraph (i) of this paragraph altered by the same percentage as the change in the producer price index for the materials and components

for construction, as reported by the United States Department of Labor, for the fiscal year preceding the year for which the amount is being calculated.

(2) Before setting the rate of the tax for each fiscal year, the County Commissioners of Charles County shall conduct a study to determine:

(i) the current amount of total costs incurred to construct new capacity for public elementary, middle, and high school facilities in the county, including:

1. costs for land acquisition, architectural and engineering design, infrastructure, new classrooms, equipment, interest on bond principal, and bond issuance; and

2. an amount equal to the total square footage of new public elementary, middle, and high school facilities in the county multiplied by the State square foot construction allowance, less the State funding share; and

(ii) the current average number of students in the county by dwelling type.

(d) (1) The tax:

(i) shall be collected and secured in the same manner as general ad valorem taxes unless otherwise provided by local law; and

(ii) is subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as provided for general ad valorem taxes.

(2) (i) The tax shall be collected annually over a period of 10 years at level amortized payments of principal and interest.

(ii) The rate of interest payable by a property owner shall be set at the rate of interest paid by the county on the new school capacity construction bonds issued in the first year the tax is imposed on that property owner.

(3) The tax shall constitute a lien on all taxable real or personal property of the taxpayer for a period of 10 years or until the lien is satisfied by repayment.

(4) Prior to the sale or transfer of real property in Charles County that is improved by new residential development, the seller or transferor shall provide notice to the buyer or transferee that includes:

(i) a statement that the tax may be imposed on the property; and

(ii) the amount of the tax for the dwelling type on the property.

(e) The revenues from the tax shall be used to pay the principal and interest on

the new school capacity construction bonds as they become due.

(f) (1) On or before August 1 each year, the County Commissioners of Charles County shall report to the General Assembly, subject to § 2–1246 of the State Government Article, covering the preceding fiscal year.

(2) The report shall include:

(i) the amount of the tax set by the county commissioners for each dwelling type;

(ii) the amount of proceeds derived from the issuance and sale of the county's new school capacity construction bonds;

(iii) the number of parcels of real property improved by new residential development in Charles County; and

(iv) the number of square feet of new public school capacity approved for construction in Charles County by the Interagency Committee on School Construction.

§20–805.

(a) (1) By ordinance, the County Council of Dorchester County may impose a building excise tax on any building construction in Dorchester County.

(2) The tax may be imposed throughout the county, including within municipalities.

(b) The County Council of Dorchester County shall specify in the ordinance:

(1) the types of building construction that are subject to the tax;

(2) the criteria and formulas used to assess the tax; and

(3) the tax rates.

(c) (1) The County Council of Dorchester County may impose different tax rates on different types of building construction.

(2) The tax rates shall relate to the development or growth–related infrastructure needs in the county.

(3) The tax rates may not exceed:

(i) for residential development, $5,000 per unit; and

(ii) for nonresidential development, the lesser of:

1. $1 per square foot; or

2. $5,000 per lot or parcel.

(d) (1) The revenues from the tax shall be deposited in a special fund.

(2) The special fund may be used only for the capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development, including emergency services, sheriff's offices, and schools.

(e) (1) If the tax is imposed within a municipality, the municipality shall assist the county in the collection of the tax by:

(i) collecting and remitting the tax to the county; or

(ii) requiring the tax be paid to the county in accordance with the county ordinance.

(2) (i) A municipality that collects the tax and remits the tax to the county may deduct a fee for administrative costs from the revenues collected.

(ii) The fee deducted under subparagraph (i) of this paragraph may not exceed 2% of the revenues collected by the municipality.

§20–806.

(a) (1) By ordinance, the County Council of Talbot County may impose a building excise tax on any building construction in Talbot County.

(2) The tax may be imposed throughout the county, including within municipalities.

(b) The County Council of Talbot County shall specify in the ordinance:

(1) the types of building construction that are subject to the tax;

(2) the criteria and formulas used to assess the tax; and

(3) the tax rates.

(c) (1) The County Council of Talbot County may impose different tax rates on different types of building construction.

(2) The tax rates shall relate to the development or growth–related infrastructure needs in the county.

(3) The tax rates may not exceed $2,000 per lot or parcel.

(d) (1) The revenues from the tax shall be deposited in a special fund.

(2) The special fund may be used only for the capital costs of additional or expanded public works, improvements, and facilities required to accommodate new construction or development, including:

(i) bridges;

(ii) parks and recreational facilities;

(iii) roads;

(iv) schools; and

(v) storm drainage facilities.

(e) If the tax is imposed within a municipality, the municipality shall assist the county in the collection of the tax by:

(1) collecting and remitting the tax to the county; or

(2) requiring the tax be paid to the county in accordance with the county ordinance.

(f) Talbot County shall adopt a revenue sharing mechanism to apportion an appropriate share of revenues from the tax to the municipalities within the county.

§21–101.

In this subtitle, "authority" means a commercial district management authority.

§21–102.

This subtitle applies to all counties except Baltimore City.

§21–103.

(a) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(b) The governing body of a county may establish an authority for any commercial district in the county.

(c) For each authority established, the governing body of a county shall:

(1) specify the membership, organization, jurisdiction, and geographical limits of the authority;

(2) provide any financing that it considers appropriate for the authority

through fees that may be charged to, or taxes that may be imposed against, businesses subject to the authority's jurisdiction; and

(3) specify the purposes of the authority, including:

(i) promotion;

(ii) marketing; or

(iii) the provision of security, maintenance, or amenities in the commercial district.

§21–104.

An authority may not:

(1) exercise the power of eminent domain;

(2) purchase, sell, construct, or lease, as a lessor, office or retail space; or

(3) except as otherwise authorized by law, engage in competition with the private sector.

§21–105.

Any fee or tax imposed under this subtitle shall be used only for the purposes stated in this subtitle and may not revert to the general fund of a county.

§21–106.

The governing body of a county may establish an authority in accordance with this subtitle as a special taxing district.

§21–201.

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

(b) "District" means a taxing and assessment district.

(c) "District council" means the governing body of a county acting as the district council for a district created under this subtitle.

(d) "Project" means an erosion prevention project or erosion control project.

§21–202.

This subtitle supplements the provisions of the Natural Resources Article relating to shore erosion control projects.

§21–203.

The purpose of projects constructed under this subtitle is to prevent erosion of land by any body of water in the State.

§21–204.

(a) Each recorded subdivision that abuts a body of water in the State is a district.

(b) Each district established under this section shall be named for the subdivision from which the district is created.

§21–205.

(a) The governing body of a county is the district council for each district in the county.

(b) A district council shall:

(1) keep a separate record of its proceedings for each district; and

(2) deposit all money received for each district to the credit of that district.

(c) The district council shall require the depository of money under subsection (b)(2) of this section to give the same security for the repayment of money deposited and pay the same interest on the money as is required for the deposit of county funds.

§21–206.

The district council may construct a project in a district if requested by a petition signed by at least 75% of the real property owners in the district.

§21–207.

(a) (1) When the plans and specifications for the construction of a project in a district are complete, the district council shall notify each owner of real property in the district:

(i) that the plans and specifications for the construction of the project are complete and can be inspected at the office of the governing body of the county;

(ii) of the probable cost of the project; and

(iii) of the date and place of a hearing on the petition.

(2) The notice shall be:

(i) mailed to the last known address of each property owner in the district; and

(ii) published once each week for 2 successive weeks in a newspaper of general circulation in the county.

(b) After holding a hearing, the district council shall decide whether to proceed with the project.

§21–208.

(a) The district council may acquire an easement in any land or structure that is necessary to construct, extend, or maintain a project in the district.

(b) (1) If the district council and property owner cannot agree on the acquisition of an easement in the owner's property, the district council may begin condemnation proceedings in the circuit court of the county, as provided in Title 12 of the Real Property Article.

(2) (i) Subject to subparagraph (ii) of this paragraph, the district council may enter and take possession of the condemned property not less than 10 days after the recordation of the award in a condemnation proceeding under this subsection.

(ii) Notwithstanding an appeal or further proceedings taken by a defendant in the condemnation proceeding, before taking possession of the condemned property, the district council shall:

1. pay the amount of the award and all costs imposed to the clerk of the court; and

2. give its corporate undertaking to abide by and fulfill any judgment on appeal or on further proceedings.

§21–209.

(a) The district council may borrow money, on the full faith and credit of the district, to:

(1) acquire by purchase or condemnation an easement under § 21–208 of this subtitle to construct a project in or for the district; and

(2) complete the project.

(b) (1) The money borrowed by the district council for a project shall:

(i) bear interest at a rate set by the district council not exceeding 6% per year;

(ii) be payable semiannually; and

(iii) be secured by bonds, notes, or other evidence of indebtedness issued by the district council on the full faith and credit of the district.

(2) Subject to § 21–212(e)(2) of this subtitle, the bonds, notes, or other evidence of indebtedness issued under this subsection shall:

(i) be exempt from State, county, and municipal taxation;

(ii) mature serially at the times determined by the district council, not to exceed 30 years;

(iii) be made payable within 30 years after issuance; and

(iv) be issued under the seal of the county.

(3) Notwithstanding §§ 19–205 and 19–206 of this article, the district council may sell the bonds, notes, or other evidence of indebtedness at public or private sale.

(c) (1) The governing body of the county shall guarantee the payment of principal of and interest on any bonds issued by the district council under this section.

(2) The guaranty shall be endorsed on each bond in the following language:

"The payment of interest when due and the principal at maturity is guaranteed by .. County, Maryland."

(3) Within 20 days after the bonds are ready for endorsement, the endorsement shall be:

(i) signed on each bond by the chair of the governing body or the county executive, as applicable;

(ii) attested to by the clerk of the governing body of the county; and

(iii) affixed with the county seal.

§21–210.

(a) Except as otherwise provided in this section, this subtitle applies to any project undertaken and any bonds, notes, or other evidence of indebtedness issued under this section.

(b) The purpose of this section is to provide an alternative means to finance projects on a countywide basis, for which the governing body of the county does not sit as a district council.

(c) (1) The governing body of a county may pay not more than 25% of the cost of any project in the county through the issuance of bonds, notes, or other evidence of

indebtedness.

(2) If the governing body pays for a portion of a project under this subsection, the governing body may accept any of the remaining cost of the project from:

(i) the State;

(ii) the federal government; or

(iii) any unit of the State or federal government.

(d) (1) Except as provided in paragraph (2) of this subsection, any bond, note, or other evidence of indebtedness issued under this section shall be issued as provided in this subtitle.

(2) Any bond, note, or other evidence of indebtedness issued under this section:

(i) is not a district obligation; and

(ii) shall have its payments of principal and interest met by a countywide tax.

§21–211.

(a) The district council shall publish notice once each week for 2 successive weeks in a newspaper of general circulation in the county or in technical press for bids for the construction of a project.

(b) (1) The district council shall award the contract for a project to the lowest responsible bidder.

(2) The district council may:

(i) reject any and all bids for a contract for a project; and

(ii) readvertise for bids, in accordance with and subject to this subtitle.

(c) (1) Before awarding a contract for a project, the district council shall require from the successful bidder a bond in a form and amount approved by the district council.

(2) The bond shall be conditioned on:

(i) completing the project in accordance with the plans, specifications, and time limitations specified in the contract; and

(ii) paying for all supplies and labor provided to the contractor in the construction of the project.

§21–212.

(a) After a project for a district has been completed, either wholly or partly, the district council shall impose a benefit charge on all real property in the district benefiting from the project.

(b) (1) Before imposing the benefit charge, the district council shall notify each owner of real property in the district that the district council is proposing to make an assessment of benefit against the owner's property for the project.

(2) The notice shall state the date and place of the hearing.

(3) A hearing notice shall be:

(i) mailed to the last known address of each property owner in the district; and

(ii) published once each week for 2 successive weeks in a newspaper of general circulation in the county.

(c) After holding a hearing under subsection (b) of this section, the district council shall:

(1) determine the extent of the benefit from the project to each lot and parcel of land in the district; and

(2) impose the benefit charge on each lot and parcel of land in the district based on the determinations made under item (1) of this subsection.

(d) (1) A benefit charge imposed under this section is a lien on the real property against which the benefit charge is imposed.

(2) The benefit charge shall be paid:

(i) annually as county taxes are required to be paid; and

(ii) for a period that is coextensive with the period of maturity for the bonds, notes, or other evidence of indebtedness issued to construct the project.

(e) (1) This subsection applies only in:

(i) Carroll County;

(ii) Dorchester County;

(iii) St. Mary's County; and

(iv) Somerset County.

(2) The annual benefit charge imposed under this section is payable in annual installments over 25 years or any shorter time as directed by the governing body of the county.

(3) Each annual installment is a personal obligation of the owner of the benefited property at the time the installment becomes due.

(4) (i) 1. An annual installment in default is a first lien on the benefited property, subject only to prior State, county, or municipal real property taxes.

2. The outstanding balance of a benefit charge shall be given normal lien priority.

(ii) The sale of a benefited property does not extinguish the lien imposed against the property.

(iii) The purchaser of a benefited property shall:

1. take ownership of the property subject to any outstanding balance of the total benefit charge unpaid at the conclusion of the sale; and

2. be required to pay the same annual installments as the previous owner of the property.

(iv) For purposes of § 3–104(b) of the Real Property Article, relating to the payment of taxes as a prerequisite to recording a transfer of property, it is sufficient that all current annual installments of any benefit charge imposed under this subtitle have been paid.

§21–213.

(a) (1) Each year, the district council shall impose a tax against all assessable property in each district that has been improved by a project.

(2) Each year before the tax is imposed, the district council shall determine the number of cents per $100 necessary to raise the amount of money required under paragraph (3) of this subsection.

(3) The amount of tax imposed under this subsection, together with the benefit charges collected under § 21–212 of this subtitle, shall be sufficient to:

(i) meet the interest and principal payments due on the bonds, notes, or other evidence of indebtedness issued to finance the construction of projects under this subtitle;

(ii) pay the entire cost of repairing and maintaining the project in a district; and

(iii) pay all the expenses of the district necessary to carry out this subtitle, including reimbursing the district council for expenses incurred by members of the district council, not exceeding $200 annually for each member, for:

1. inspecting bulkheads; and

2. performing other duties required in the administration of this subtitle.

(4) The district council shall impose the tax required under this subsection until all the bonds, notes, or other evidence of indebtedness and their interest, in addition to other debt incurred in carrying out this subtitle, have been paid.

(5) After the requirements of paragraph (4) of this subsection have been satisfied, the district council shall impose a tax sufficient only to maintain the project.

(b) (1) The tax imposed under subsection (a) of this section shall:

(i) be imposed in the same manner as county taxes; and

(ii) have the same priority rights, bear the same interest and penalties, and in every respect be treated the same as county taxes.

(2) The taxing authority of the county shall:

(i) collect the taxes; and

(ii) remit the amount collected to the district council every 60 days.

(c) (1) The district council shall deposit money received under subsection (b) of this section in a bank in the county:

(i) to the credit of the district council for the district from which the money was collected; and

(ii) at the rate of interest paid for county funds.

(2) The district council shall pay out the taxes and benefit charges collected from a district in the following order:

(i) from the taxes and benefit charges:

1. the interest on the bonds, notes, or other evidence of indebtedness issued for the projects in the district; and

2. the bonds, notes, or other evidence of indebtedness when

and as the bonds, notes, or other evidence of indebtedness mature; and

(ii) from the remaining taxes, all other debt incurred in carrying out this subtitle, including project maintenance.

(d) (1) If the receipts from the taxes and benefit charges imposed under this subtitle for any district do not meet the required payments in any year by reason of default or otherwise, the amount of the deficiency shall be added to the next year's tax imposition for that district.

(2) Paragraph (1) of this subsection does not release a county from its obligation to impose ad valorem taxes on assessable property in the county at a rate and of an amount sufficient to pay the maturing principal of and interest on bonds.

§21–214.

(a) A person or agency may not:

(1) fail to perform duties required under this subtitle;

(2) fail to pay the principal of and interest on any bonds, notes, or other evidence of indebtedness as required by this subtitle; or

(3) use the money from bonds, notes, or other evidence of indebtedness for any purpose other than the purpose specified under this subtitle.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $1,000 or both.

§21–301.

This subtitle applies to property in one or more counties that abuts a body of water in the State.

§21–302.

Property subject to this subtitle may be formed into a shore erosion control district.

§21–303.

(a) The owners of 75% of the real property in a proposed district, or 75% of the owners of real property in a proposed district, may present a written petition to the governing body of each county where the property lies to request the creation of a shore erosion control district.

(b) The petition shall describe the proposed boundaries of the shore erosion control district.

(c) (1) On receipt of a petition, the governing body of the county shall refer the petition to the Department of Natural Resources.

(2) (i) The Department of Natural Resources shall review the petition and submit a report to the governing body of the county.

(ii) The report shall contain:

1. the Department's recommendation concerning the feasibility and need for a shore erosion control district;

2. a description of the area to be included in the shore erosion control district;

3. plans for erosion control; and

4. estimated costs for any projects recommended for erosion control.

(d) On receipt of the report, the governing body of the county may:

(1) establish the shore erosion control district; and

(2) designate the area to be included in the shore erosion control district.

§21–304.

The governing body of a county may act as the district council for the shore erosion control district.

§21–305.

(a) The governing body of a county may finance and construct an erosion control project in a shore erosion control district in accordance with Subtitle 2 of this title.

(b) Instead of the method of financing described under § 21–209 of this title, the governing body of a county may use the method of financing provided by § 21–210 of this title.

§21–306.

(a) The County Council of Anne Arundel County may impose a direct tax on property in a shore erosion control district to:

(1) repay a loan made to the county by the State under § 8–1005 of the Natural Resources Article for the construction of an erosion control project for the benefit of a shore erosion control district; and

(2) pay for maintenance, repair, and reconstruction of erosion control

projects.

(b) A tax under this section shall:

(1) be imposed and collected as county taxes are imposed and collected; and

(2) have the same priority rights, bear the same interest and penalties, and in every respect be treated the same as county taxes.

§21–401.

For the purposes stated in § 21–402 of this subtitle, a municipality may:

(1) by ordinance or resolution, establish special taxing districts; and

(2) impose ad valorem taxes on all real and personal property in a special taxing district at a rate sufficient to provide adequate annual revenues to pay:

(i) the principal of and interest on any bonds or other obligations of the municipality issued for the purpose for which the special taxing district was established, as the principal and interest become due; and

(ii) the costs of operating and maintaining facilities and activities for which the special taxing district was established.

§21–402.

The purpose of the authority granted under this part is to:

(1) finance the establishment, acquisition, design, construction, alteration, improvement, extension, operation, and maintenance of:

(i) adequate storm drainage systems;

(ii) public parking facilities;

(iii) pedestrian malls;

(iv) street and area lighting; and

(v) ride sharing and bus systems;

(2) finance the capital and operating costs to enhance police, fire protection, and rescue services; and

(3) provide financing for commercial district management authorities established under § 5–214(b) of this article.

§21–403.

In a special taxing district established for financing a ride sharing or bus system, a municipality shall impose a combination of development impact fees and ad valorem taxes to finance, wholly or partly, the capital and operating costs of the ride sharing or bus system.

§21–404.

Ad valorem taxes imposed under this part shall be imposed in the same manner, on the same assessments, for the same period, and as of the same date of finality as required for municipal property tax purposes in the special taxing district.

§21–407.

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

(b) "Bond" means a revenue bond, note, or other similar instrument issued by a municipality in accordance with this part.

(c) "Cost" includes the cost of:

(1) construction, reconstruction, and renovation;

(2) acquisition of structures, real or personal property, rights, rights–of–way, franchises, easements, and interests acquired or to be acquired by the Maryland Economic Development Corporation, the State, a unit or political subdivision of the State, or another governmental unit having jurisdiction over the infrastructure improvement;

(3) machinery and equipment, including machinery and equipment needed to expand or enhance municipal services to a special taxing district;

(4) financing charges and interest before and during construction and, if the municipality considers it advisable, for a limited period after completion of the construction;

(5) interest and reserves for principal and interest, including the cost of municipal bond insurance and any other type of financial guaranty and costs of issuance;

(6) extensions, enlargements, additions, and improvements;

(7) architectural, engineering, financial, and legal services;

(8) plans, specifications, studies, surveys, and estimates of costs and revenues;

(9) administrative expenses necessary or incident in determining to

proceed with infrastructure improvements; and

(10) other expenses necessary or incident to acquiring, constructing, and financing infrastructure improvements.

(d) "MEDCO obligation" means any debt instrument that the Maryland Economic Development Corporation issues for the purposes stated in § 21–410(a)(2) of this subtitle.

(e) "State hospital redevelopment" means any combination of private or public commercial, residential, or recreational uses, improvements, and facilities that:

(1) is part of a comprehensive coordinated development plan or strategy involving property that:

(i) was occupied formerly by a State facility, as defined in § 10–101 of the Health – General Article, or a State residential center, as defined in § 7–101 of the Health – General Article; or

(ii) is adjacent or reasonably proximate to property that was occupied formerly by a State facility, as defined in § 10–101 of the Health – General Article, or a State residential center, as defined in § 7–101 of the Health – General Article;

(2) in accordance with design development principles, maximizes use of the property by those constituencies it is intended to serve; and

(3) is designated as a State hospital redevelopment by:

(i) the Smart Growth Subcabinet established under § 9–1406 of the State Government Article; and

(ii) the local government or multicounty agency with land use and planning responsibility for the relevant area.

(f) "Transit–oriented development" has the meaning stated in § 7–101 of the Transportation Article.

§21–408.

(a) This part is self–executing and does not require a municipality to amend its charter to exercise the powers granted under this part.

(b) The powers granted under this part:

(1) are supplemental to any power granted by another law; and

(2) do not limit any other power.

(c) This part is necessary for the welfare of the State and its residents and shall

be liberally construed to effect the purposes stated in § 21–410(a) of this subtitle.

§21–409.

(a) For any purpose stated in § 21–410(a)(1) of this subtitle, a municipality may:

(1) establish a special taxing district;

(2) impose ad valorem or special taxes; and

(3) issue bonds.

(b) (1) For any purpose stated in § 21–410(a)(2) of this subtitle, a municipality may:

(i) establish special taxing districts;

(ii) impose ad valorem or special taxes; and

(iii) pledge funds under an agreement to:

1. secure payment on MEDCO obligations;

2. pay the costs of infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment; and

3. pay the costs of operating and maintaining infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment.

(2) An agreement pledging funds as described in paragraph (1)(iii) of this subsection shall:

(i) be authorized by an ordinance or resolution of the municipality;

(ii) be in writing;

(iii) be executed on behalf of the municipality making the pledge, the Maryland Economic Development Corporation, and any other person or entity that the governing body of the municipality determines; and

(iv) benefit, and be enforceable on behalf of, the holders of any MEDCO obligation secured by the agreement.

(c) (1) Notwithstanding any other provision of law, a municipality may establish a special taxing district, issue bonds, or impose an ad valorem or special tax under this part only if a request to the municipality is made by both:

(i) the owners of at least two–thirds of the assessed valuation of the

real property located in the special taxing district; and

(ii) at least two–thirds of the owners of the real property located in the special taxing district.

(2) For purposes of paragraph (1)(ii) of this subsection:

(i) multiple owners of a single parcel are treated as a single owner; and

(ii) a single owner of multiple parcels is treated as one owner.

§21–410.

(a) The purpose of the authority granted under this part is to:

(1) finance, refinance, or reimburse the cost of establishing, acquiring, designing, constructing, altering, or extending adequate infrastructure improvements as necessary for the development and use of land in any defined geographic region in the municipality, including storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, sidewalks, lighting, parking, parks and recreation facilities, libraries, and schools; and

(2) provide a source of funding for payment of costs of:

(i) infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment; and

(ii) operation and maintenance of infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment.

(b) An infrastructure improvement financed under subsection (a)(1) of this section may be located:

(1) in the special taxing district;

(2) in the municipality, outside the special taxing district if the infrastructure improvement is reasonably related to other infrastructure improvements in the special taxing district; or

(3) outside the municipality if:

(i) the infrastructure improvement is reasonably related to other infrastructure improvements in the special taxing district; and

(ii) notice is given to the governmental unit having jurisdiction over the infrastructure improvement.

(c) For the purposes of this part and any authority granted by this part, a sustainable community, as defined in § 6–201 of the Housing and Community Development Article, shall be considered the same as a transit–oriented development.

§21–411.

Unless otherwise provided in the charter, bylaws, or code of a municipality, before the governing body of a municipality enacts an ordinance or a resolution that establishes a special taxing district, authorizes the issuance of bonds, or imposes ad valorem or special taxes under this part, the governing body shall:

(1) hold a public hearing; and

(2) give notice of the public hearing in a newspaper of general circulation in the municipality at least 10 days before the date of the hearing.

§21–412.

(a) By resolution, the governing body of a municipality:

(1) may designate an area as a special taxing district; and

(2) shall create a special fund with respect to the special taxing district.

(b) A resolution creating a special fund under subsection (a) of this section shall:

(1) pledge to the special fund the proceeds of the ad valorem or special tax to be imposed as provided under § 21–414 of this subtitle; and

(2) require that the proceeds from the tax be paid into the special fund.

§21–413.

If no bonds authorized by this part are outstanding with respect to a special taxing district, the governing body of the municipality may use money in the special fund for:

(1) any purpose specified in this part;

(2) paying debt service on bonds to be issued later;

(3) payment or reimbursement of debt service that the municipality is obligated under a general or limited obligation to pay, or has paid, on MEDCO obligations or any bond, note, or other similar instrument issued by the State or by any unit or political subdivision of the State, the proceeds of which were used for any purpose specified in this part; or

(4) payment to the municipality to provide money for any legal purpose as determined by the governing body of the municipality.

§21–414.

(a) The governing body of a municipality may provide for the imposition of an ad valorem or special tax on all real and personal property in a special taxing district at a rate or amount designed to provide adequate revenue:

(1) to pay the principal of, interest on, and any redemption premium on any bonds;

(2) to replenish any debt service reserve fund;

(3) for any other purpose related to the ongoing expenses of or security for bonds;

(4) to pay costs of infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment;

(5) pay costs of operating and maintaining infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment; or

(6) to secure payment by the municipality of its obligations under an agreement described in § 21–409(b) of this subtitle.

(b) Ad valorem taxes under this part shall be imposed in the same manner, on the same assessments, for the same period, and as of the same date of finality as required for municipal property taxes in the special taxing district.

(c) (1) As an alternative to imposing ad valorem taxes under this part, the governing body of a municipality may impose special taxes in accordance with this subsection on property in a special taxing district.

(2) In determining the basis for and amount of a special tax, the cost of an improvement may be calculated and imposed:

(i) equally per front foot, lot, parcel, dwelling unit, or square foot;

(ii) according to the value of the property, with or without regard to improvements on the property; or

(iii) in any other reasonable manner that results in a fair allocation of the cost of the infrastructure improvements.

(3) The governing body of a municipality may enact an ordinance or resolution for:

(i) the maximum amount of a special tax to be imposed on any parcel;

(ii) the tax year or other date after which further special taxes under

this part may not be imposed on a parcel; and

(iii) whether, and the circumstances under which, a special tax on a parcel may be increased because of delinquency or default by the owner of that parcel or by the owner of any other parcel.

(4) By ordinance or resolution, the governing body of a municipality may establish procedures allowing for the prepayment of special taxes under this part.

(5) A special tax imposed under this part shall:

(i) unless otherwise provided in an ordinance or a resolution, be collected and secured in the same manner as general ad valorem taxes; and

(ii) in the case of delinquency, be subject to the same penalties, procedure, sale, and lien priority as general ad valorem taxes.

§21–415.

(a) A special taxing district established under this part shall be terminated if:

(1) no bonds authorized by this part are outstanding with respect to the special taxing district;

(2) no MEDCO obligations to which a municipality has pledged revenues under this part are outstanding with respect to the special taxing district; and

(3) the governing body of the municipality determines not to use money in the special fund for payment of costs of:

(i) infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment; or

(ii) operating and maintaining infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment.

(b) Any money remaining in the special fund on the date of termination of the special taxing district may be paid to the general fund of the municipality.

§21–416.

(a) The special fund and any sinking fund established by a municipality under this part are subject to § 19–102 of this article.

(b) The proceeds of bonds issued under this part are subject to §§ 17–101 and 17–102 of this article.

§21–417.

(a) Notwithstanding any other law, a municipality may issue bonds as provided under this part for the purposes stated in § 21–410(a)(1) of this subtitle.

(b) To issue bonds under this part, the governing body of a municipality shall adopt an ordinance or resolution that:

(1) describes the proposed undertaking;

(2) states:

(i) that the governing body has complied with §§ 21–412 and 21–414 of this subtitle;

(ii) the maximum principal amount of bonds to be issued; and

(iii) the maximum rate of interest for the bonds; and

(3) establishes a covenant to impose ad valorem or special taxes on all real and personal property in the special taxing district at a rate or in an amount sufficient to provide for the payment of the principal of and interest on the bonds in each year that the bonds are outstanding.

(c) (1) For bonds to be issued to finance the proposed undertaking, the ordinance or resolution may specify:

(i) the principal amount;

(ii) the rate of interest;

(iii) the manner and terms of sale;

(iv) the time of execution, issuance, and delivery;

(v) the form, purpose, and denominations;

(vi) the manner in which and the times and places at which the principal of and interest on the bonds shall be paid;

(vii) conditions for payment of principal of and interest on the bonds before maturity; or

(viii) other provisions consistent with this part that the governing body of the municipality determines are necessary or desirable.

(2) The ordinance or resolution may specify the items listed in paragraph (1) of this subsection or may authorize:

(i) the municipality's finance board or other appropriate financial officer to specify those items by resolution; or

(ii) the municipality's chief executive officer to specify those items by executive order.

(d) The following may not be subject to a referendum because of any State or local law:

(1) an ordinance or a resolution authorizing the bonds;

(2) an ordinance, a resolution, or an executive order passed or adopted in furtherance of the ordinance or resolution authorizing the bonds;

(3) the bonds;

(4) the designation of a special taxing district; or

(5) the imposition of ad valorem or special taxes.

§21–418.

(a) A bond issued under this part:

(1) may be in bearer form or coupon form;

(2) may be registrable as to principal alone or as to both principal and interest; and

(3) is a security under § 8–102 of the Commercial Law Article, whether the bond is one of a class or series or is divisible into a class or series of instruments.

(b) (1) A bond shall be signed manually or in facsimile by the chief executive officer of the municipality.

(2) The clerk or other similar administrative officer of the municipality shall attest to and affix the seal of the municipality to each bond.

(3) An officer's signature or countersignature on a bond remains valid if the officer ceases to be an officer before delivery of the bond.

(c) A bond shall mature not later than 30 years after the date of issuance.

(d) (1) A municipality may sell bonds:

(i) at a public or private sale; and

(ii) in any manner and on any terms that the governing body of the municipality considers best.

(2) A contract to acquire property may provide that payment shall be made in bonds.

(3) Bonds are exempt from §§ 19–205 and 19–206 of this article.

§21–419.

Bonds issued under this part are securities:

(1) that may be deposited with and received by a unit of the State or a political subdivision for any purpose for which the deposit of bonds or obligations of the State is authorized by law; and

(2) in which any of the following persons or entities may invest money:

(i) an officer or a unit of the State or a political subdivision of the State;

(ii) a bank, a trust company, a savings and loan association, or an investment company;

(iii) an insurance company; and

(iv) a personal representative, trustee, or other fiduciary.

§21–420.

(a) Bonds are payable from the special fund required under § 21–412 of this subtitle.

(b) The governing body of a municipality that issues bonds under this part may:

(1) establish a sinking fund;

(2) establish a debt service reserve fund;

(3) pledge other assets and revenues toward the payment of the principal of and interest on the bonds; or

(4) provide for municipal bond insurance or any other financial guaranty of the bonds.

§21–421.

Bond proceeds shall be used only to pay the cost of infrastructure improvements, including:

(1) the cost of establishing, acquiring, designing, constructing, extending, or altering infrastructure improvements;

(2) the cost of issuing bonds;

(3) payment of the principal of and interest on loans, money advances, or indebtedness incurred by the municipality for any purpose stated in § 21–410(a) of this subtitle, including refunding of bonds previously issued; and

(4) funding of a debt service reserve fund or payment of interest before, during, or for a limited period of time after constructing the infrastructure improvements.

§21–422.

The principal amount of bonds, interest payable on bonds, the transfer of bonds, and any income from bonds, including profit made in the sale or transfer of bonds, are exempt from State and local taxes.

§21–501.

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

(b) "Bond" means a special obligation bond, a revenue bond, a note, or any other similar instrument issued in accordance with this subtitle by a county or the revenue authority of Prince George's County.

(c) "Cost" includes the cost of:

(1) (i) construction, reconstruction, and renovation;

(ii) acquisition of structures, real or personal property, rights, rights–of–way, franchises, easements, and interests acquired or to be acquired by the Maryland Economic Development Corporation, the State, a unit or political subdivision of the State, or another governmental unit having jurisdiction over the infrastructure improvement;

(iii) machinery and equipment, including machinery and equipment needed to expand or enhance county services to a special taxing district;

(iv) financing charges and interest before and during construction and, if the county considers it advisable, for a limited period after completion of the construction;

(v) interest and reserves for principal and interest, including the cost of municipal bond insurance and any other type of financial guaranty and costs of issuance;

(vi) extensions, enlargements, additions, and improvements;

(vii) architectural, engineering, financial, and legal services;

(viii) plans, specifications, studies, surveys, and estimates of cost and revenues;

(ix) administrative expenses necessary or incident to determining to proceed with infrastructure improvements; and

(x) other expenses necessary or incident to acquiring, constructing, and financing infrastructure improvements; and

(2) in Prince George's County, the cost of renovation, rehabilitation, and repair of existing buildings, internal and external structural systems, elevators, facades, mechanical systems and components, and security systems.

(d) "MEDCO obligation" means any debt instrument that the Maryland Economic Development Corporation issues for the purposes stated in § 21–504(a)(2) of this subtitle.

(e) "State hospital redevelopment" means any combination of private or public commercial, residential, or recreational uses, improvements, and facilities that:

(1) is part of a comprehensive, coordinated development plan or strategy involving property that:

(i) was occupied formerly by a State facility, as defined in § 10–101 of the Health – General Article, or a State residential center, as defined in § 7–101 of the Health – General Article; or

(ii) is adjacent or reasonably proximate to property that was occupied formerly by a State facility, as defined in § 10–101 of the Health – General Article, or a State residential center, as defined in § 7–101 of the Health – General Article;

(2) in accordance with design development principles, maximizes use of the property by those constituencies it is intended to serve; and

(3) is designated as a State hospital redevelopment by:

(i) the Smart Growth Subcabinet established under § 9–1406 of the State Government Article; and

(ii) the local government or multicounty agency with land use and planning responsibility for the relevant area.

(f) "Transit–oriented development" has the meaning stated in § 7–101 of the Transportation Article.

§21–502.

(a) This subtitle applies only to:

(1) Anne Arundel County;

(2) Baltimore County;

(3) Calvert County;

(4) Cecil County;

(5) Charles County;

(6) Garrett County;

(7) Harford County;

(8) Howard County;

(9) Prince George's County;

(10) St. Mary's County;

(11) Washington County; and

(12) Wicomico County.

(b) This subtitle is self–executing and does not require a county to enact legislation or, if applicable, to amend its charter to exercise the powers granted under this subtitle.

(c) The powers granted under this subtitle:

(1) are supplemental to any power granted by another law; and

(2) do not limit any other power.

(d) This subtitle is necessary for the welfare of the State and its residents and shall be liberally construed to effect the purposes stated in § 21–504(a) of this subtitle.

§21–503.

(a) For any purpose stated in § 21–504(a)(1) of this subtitle, a county may:

(1) establish a special taxing district;

(2) impose ad valorem or special taxes; and

(3) issue bonds.

(b) (1) For any purpose stated in § 21–504(a)(2) of this subtitle, a county may:

(i) establish special taxing districts;

(ii) impose ad valorem or special taxes; and

(iii) pledge funds under an agreement to:

1. secure payment on MEDCO obligations;

2. pay the costs of infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment; and

3. pay the costs of operating and maintaining infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment.

(2) An agreement pledging funds as described in paragraph (1)(iii) of this subsection shall:

(i) be authorized by an ordinance or resolution of the county;

(ii) be in writing;

(iii) be executed on behalf of the county making the pledge, the Maryland Economic Development Corporation, and any other person or entity that the governing body of the county determines; and

(iv) benefit, and be enforceable on behalf of, the holders of any MEDCO obligation secured by the agreement.

(c) (1) Notwithstanding any other provision of law, a county may establish a special taxing district, issue bonds, or impose an ad valorem or special tax under this subtitle only if a request to the county is made by both:

(i) the owners of at least two–thirds of the assessed valuation of the real property located in the special taxing district; and

(ii) at least two–thirds of the owners of the real property located in the special taxing district.

(2) For purposes of paragraph (1)(ii) of this subsection:

(i) multiple owners of a single parcel are treated as a single owner; and

(ii) a single owner of multiple parcels is treated as one owner.

§21–504.

(a) The purpose of the authority granted under this subtitle is to:

(1) finance, refinance, or reimburse the cost of establishing, acquiring,

designing, constructing, altering, or extending adequate infrastructure improvements as necessary for the development and use of land in any defined geographic region in the county, including storm drainage systems, sewers, water systems, roads, bridges, culverts, tunnels, sidewalks, lighting, parking, parks and recreation facilities, libraries, schools, transit facilities, and solid waste facilities; and

(2) provide a source of funding for payment of costs of:

(i) infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment; and

(ii) operating and maintaining infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment.

(b) An infrastructure improvement financed under subsection (a)(1) of this section may be located:

(1) in the special taxing district; or

(2) outside the special taxing district if the infrastructure improvement is reasonably related to other infrastructure improvements in the special taxing district.

(c) For the purposes of this subtitle and any authority granted by this subtitle, a sustainable community, as defined in § 6–201 of the Housing and Community Development Article, shall be considered the same as a transit–oriented development.

§21–505.

(a) Unless otherwise provided in the charter, bylaws, or code of a county, before the governing body of a county enacts an ordinance or resolution that establishes a special taxing district, authorizes the issuance of bonds, or imposes ad valorem or special taxes under this subtitle, the governing body shall:

(1) hold a public hearing; and

(2) give notice of the public hearing in a newspaper of general circulation in the county at least 10 days before the date of the hearing.

(b) Before a county may establish as a special taxing district an area that is wholly or partly within a municipality or other county listed in § 21–502(a) of this subtitle, the county shall get the consent of the governing body of the municipality or another county.

§21–506.

(a) By resolution, the governing body of a county:

(1) may designate an area as a special taxing district; and

(2) shall create a special fund with respect to the special taxing district.

(b) A resolution creating a special fund under subsection (a) of this section shall:

(1) pledge to the special fund the proceeds of the ad valorem or special tax to be imposed as provided under § 21–508 of this subtitle; and

(2) require that the proceeds from the tax be paid into the special fund.

§21–507.

If no bonds authorized by this subtitle are outstanding with respect to a special taxing district, the governing body of the county may use money in the special fund for:

(1) any purpose specified in this subtitle;

(2) paying debt service on bonds to be issued later;

(3) payment or reimbursement of debt service that the county is obligated under a general or limited obligation to pay, or has paid, on MEDCO obligations or any bond, note, or other similar instrument issued by the State, any unit or political subdivision of the State, or the Revenue Authority of Prince George's County, the proceeds of which were used for any purpose specified in this subtitle; or

(4) payment to the county to provide money for any legal purpose as determined by the governing body of the county.

§21–508.

(a) The governing body of a county may provide for the imposition of an ad valorem or special tax on all real and personal property in a special taxing district at a rate or amount designed to provide adequate revenue:

(1) to pay the principal of, interest on, and any redemption premium on any bonds;

(2) to replenish any debt service reserve fund;

(3) for any other purpose related to the ongoing expenses of or security for bonds;

(4) to pay costs of infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment;

(5) to pay costs of operating and maintaining infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment; or

(6) to secure payment by the county of its obligations under an agreement

described in § 21–503(b) of this subtitle.

(b) Ad valorem taxes under this subtitle shall be imposed in the same manner, on the same assessments, for the same period, and as of the same date of finality as required for county property taxes in the special taxing district.

(c) (1) As an alternative to imposing ad valorem taxes under this subtitle, the governing body of a county may impose special taxes in accordance with this subsection on property in a special taxing district.

(2) In determining the basis for and amount of a special tax, the cost of an improvement may be calculated and imposed:

(i) equally per front foot, lot, parcel, dwelling unit, or square foot;

(ii) according to the value of the property, with or without regard to improvements on the property; or

(iii) in any other reasonable manner that results in a fair allocation of the cost of the infrastructure improvements.

(3) The governing body of a county may enact an ordinance or a resolution for:

(i) the maximum amount of a special tax to be imposed on any parcel;

(ii) the tax year or other date after which further special taxes under this subtitle may not be imposed on a parcel; and

(iii) whether, and the circumstances under which, a special tax on a parcel may be increased because of delinquency or default by the owner of that parcel or by the owner of any other parcel.

(4) By ordinance or resolution, the governing body of a county may establish procedures allowing for the prepayment of special taxes under this subtitle.

(5) A special tax imposed under this subtitle shall:

(i) unless otherwise provided in an ordinance or a resolution, be collected and secured in the same manner as general ad valorem taxes; and

(ii) in the case of delinquency, be subject to the same penalties, procedure, sale, and lien priority as general ad valorem taxes.

§21–509.

(a) A special taxing district established under this subtitle shall be terminated if:

(1) no bonds authorized by this subtitle are outstanding with respect to the special taxing district;

(2) no MEDCO obligations as to which a county has pledged revenues under this subtitle are outstanding with respect to the special taxing district; and

(3) the governing body of the county determines not to use money in the special fund for payment of costs of:

(i) infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment; or

(ii) operating and maintaining infrastructure improvements located in or supporting a transit–oriented development or a State hospital redevelopment.

(b) Any money remaining in the special fund on the date of termination of the special taxing district shall be paid to the general fund of the county.

§21–510.

(a) The special fund and any sinking fund established by a county under this subtitle are subject to § 19–102 of this article.

(b) The proceeds of bonds issued under this subtitle are subject to §§ 17–101 and 17–102 of this article.

§21–511.

(a) Notwithstanding any other law, a county may issue bonds as provided under this subtitle for the purposes stated in § 21–504(a)(1) of this subtitle.

(b) To issue bonds under this subtitle, the governing body of a county shall adopt an ordinance or a resolution that:

(1) describes the proposed undertaking;

(2) states:

(i) that the governing body has complied with §§ 21–506 and 21–508 of this subtitle;

(ii) the maximum principal amount of bonds to be issued; and

(iii) the maximum rate of interest for the bonds; and

(3) establishes a covenant to impose ad valorem or special taxes on all real and personal property in the special taxing district at a rate or in an amount sufficient to provide for the payment of the principal of and interest on the bonds in each year that the bonds are outstanding.

(c) (1) For bonds to be issued to finance the proposed undertaking, the ordinance or resolution may specify:

(i) the principal amount;

(ii) the rate of interest;

(iii) the manner and terms of sale;

(iv) the time of execution, issuance, and delivery;

(v) the form, purpose, and denominations;

(vi) the manner in which and the times and places at which the principal of and interest on the bonds shall be paid;

(vii) conditions for payment of principal of and interest on the bonds before maturity; or

(viii) other provisions consistent with this subtitle that the governing body of the county determines are necessary or desirable.

(2) The ordinance or resolution may specify the items listed in paragraph (1) of this subsection or may authorize:

(i) the county's finance board or other appropriate financial officer to specify those items by resolution; or

(ii) the county's chief executive officer to specify those items by executive order.

(d) The following may not be subject to a referendum because of any State or local law:

(1) an ordinance or a resolution authorizing the bonds;

(2) an ordinance, a resolution, or an executive order passed or adopted in furtherance of the ordinance or resolution authorizing the bonds;

(3) the bonds;

(4) the designation of a special taxing district; or

(5) the imposition of ad valorem or special taxes.

§21–512.

(a) A bond issued under this subtitle:

(1) may be in bearer form or coupon form;

(2) may be registrable as to principal alone or as to both principal and interest; and

(3) is a security under § 8–102 of the Commercial Law Article, whether the bond is one of a class or series or is divisible into a class or series of instruments.

(b) (1) A bond shall be signed manually or in facsimile by the chief executive officer of the county.

(2) The clerk or other similar administrative officer of the county shall attest to and affix the seal of the county to each bond.

(3) An officer's signature or countersignature on a bond remains valid if the officer ceases to be an officer before delivery of the bond.

(c) A bond shall mature not later than 30 years after the date of issuance.

(d) (1) A county may sell bonds:

(i) at a public or private sale; and

(ii) in any manner and on any terms that the governing body of the county considers best.

(2) A contract to acquire property may provide that payment shall be made in bonds.

(3) Bonds are exempt from §§ 19–205 and 19–206 of this article.

§21–513.

Bonds issued under this subtitle are securities:

(1) that may be deposited with and received by a unit of the State or a political subdivision for any purpose for which the deposit of bonds or obligations of the State is authorized by law; and

(2) in which any of the following persons or entities may invest money:

(i) an officer or a unit of the State or a political subdivision of the State;

(ii) a bank, a trust company, a savings and loan association, or an investment company;

(iii) an insurance company; and

(iv) a personal representative, a trustee, or any other fiduciary.

§21–514.

(a) Bonds are payable from the special fund required under § 21–506 of this subtitle.

(b) Bonds issued under this subtitle are a special obligation of the county and are not a general obligation debt of the county or a pledge of the county's full faith and credit or taxing power.

(c) The governing body of a county that issues bonds under this subtitle may:

(1) establish a sinking fund;

(2) establish a debt service reserve fund;

(3) pledge other assets and revenues toward the payment of the principal of and interest on the bonds; or

(4) provide for municipal bond insurance or any other financial guaranty of the bonds.

§21–515.

Bond proceeds shall be used only to pay the cost of infrastructure improvements, including:

(1) the cost of establishing, acquiring, designing, constructing, extending, or altering infrastructure improvements;

(2) the cost of issuing bonds;

(3) payment of the principal of and interest on loans, money advances, or indebtedness incurred by the county for any purpose stated in § 21–504(a) of this subtitle, including refunding bonds previously issued; and

(4) funding of a debt service reserve fund or payment of interest before, during, or for a limited period of time after constructing the infrastructure improvements.

§21–516.

The principal amount of bonds, the interest payable on bonds, the transfer of bonds, and any income from bonds, including profit made in the sale or transfer of bonds, are exempt from State and local taxes.

§21–519.

A law enacted by Anne Arundel County under this subtitle:

(1) shall specify the type of infrastructure and related costs that may be financed;

(2) shall require:

(i) reasonable disclosure in a real estate contract to buyers of real property in a special taxing district of any special assessment, special tax, or other fee or charge for which the buyer would be liable due to the special taxing district; and

(ii) that, if a seller fails to provide the disclosure, the buyer may void the contract before the date of settlement;

(3) shall require adequate debt service reserve funds to be maintained;

(4) may provide:

(i) for exemptions, deferrals, and credits; and

(ii) for a lien to attach to property in a special taxing district to the extent of that property owner's obligation under any special taxing district financing; and

(5) may not allow:

(i) acceleration of assessments or taxes by reason of bond default; or

(ii) an increase in the maximum special assessments, special taxes, or other fees or charges applicable to any individual property if other property owners become delinquent in paying a special assessment, a special tax, or any other fee or charge securing bonds issued under this subtitle.

§21–520.

(a) Cecil County may exercise the authority granted under this subtitle only in a designated growth area as defined in the county comprehensive plan.

(b) (1) The governing body of Cecil County shall hold at least one public hearing on a bill establishing a special taxing district.

(2) At the public hearing, the governing body may consider the following elements of a proposed development that would receive the proceeds of a bond:

(i) development design standards;

(ii) the use of transfer of development rights or other methods of

increasing the density of development;

(iii) design and use of open space; and

(iv) availability and design of recreational and educational facilities.

(c) A law enacted by Cecil County under this subtitle shall require that adequate debt service reserve funds be maintained.

(d) Notwithstanding § 21–503(c) of this subtitle, before Cecil County may establish a special taxing district, all of the owners of real property in the proposed special taxing district shall petition the county to establish the special taxing district.

§21–521.

(a) Charles County may exercise the authority granted under this subtitle only in a commercial or light industrial zone.

(b) Charles County may exercise the authority granted under this subtitle to provide financing, refinancing, or reimbursement of costs for the purposes under § 21–504(a) of this subtitle relating to the development of resort hotels and conference centers in a waterfront planned community.

(c) (1) In addition to imposing ad valorem or special taxes under this subtitle, Charles County may impose a hotel rental tax in a special taxing district to provide financing, refinancing, or reimbursement of costs for the purposes under § 21–504(a) of this subtitle relating to the development of resort hotels and conference centers in a waterfront planned community.

(2) The taxes provided under this subtitle for payment of bonds and pledged to the special fund may include the hotel rental tax authorized under this subsection.

(3) The hotel rental tax authorized under this subsection is in addition to the hotel rental tax authorized under Title 20, Subtitle 4 of this article.

(4) The rate of the hotel rental tax authorized under this subsection may not exceed the rate of the hotel rental tax imposed under Title 20, Subtitle 4 of this article in effect on the day the governing body of Charles County establishes a special taxing district under this subtitle.

(5) The proceeds from the hotel rental tax authorized under this subsection may be used only for the purposes authorized under this subtitle.

(6) Charles County may not impose the hotel rental tax authorized under this subsection outside a special taxing district established under this subtitle.

§21–522.

(a) (1) Except as provided in paragraph (2) of this subsection, Harford County may exercise the authority granted under this subtitle only in a designated growth area as defined in the county Master Plan and Land Use Element Plan.

(2) Harford County may not exercise the authority granted under this subtitle in any rural village.

(b) In Harford County, a special taxing district may be established only by a law enacted by the governing body of the county.

(c) At a public hearing on a bill establishing a special taxing district, the governing body of Harford County may consider elements of a proposed development that would receive the proceeds of bonds, including:

(1) development design standards;

(2) the use of transfer of development rights or other methods of achieving density of development;

(3) design and use of open space; and

(4) availability and design of recreational and educational facilities.

(d) A law enacted by Harford County establishing a special taxing district shall require that adequate debt service reserve funds be maintained.

(e) Notwithstanding § 21–503(c) of this subtitle, before Harford County may establish a special taxing district, all of the owners of real property in the proposed special taxing district shall petition the county to establish the special taxing district.

§21–523.

Prince George's County may exercise the authority granted under this subtitle to:

(1) impose hotel rental taxes; and

(2) provide financing, refinancing, or reimbursement for the cost of:

(i) convention centers, conference centers, and visitors' centers;

(ii) maintaining infrastructure improvements, convention centers, conference centers, and visitors' centers;

(iii) marketing special taxing district facilities and other improvements; and

(iv) renovating, rehabilitating, and repairing existing buildings,

building systems, and components for existing residential condominiums designated as workforce housing, as defined in § 4–1801 of the Housing and Community Development Article.

§21–601.

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

(b) "Bond" means a bond, note, or other evidence of obligation.

(c) "Commission" means the Washington Suburban Sanitary Commission.

(d) "Sanitary district" has the meaning stated in § 16–101 of the Public Utilities Article.

(e) (1) "Stormwater management" means the planning, designing, acquisition, construction, demolition, maintenance, and operation of facilities, practices, and programs for the control and disposition of storm and surface water.

(2) "Stormwater management" includes floodproofing, flood control, and navigation programs.

(3) In Prince George's County, "stormwater management" also means the protection, conservation, regulation, creation, and acquisition of property described in §§ 5–901(g) and 16–101(l) of the Environment Article, consistent with federal and State laws and regulations on the subject of nontidal and private wetlands.

(f) "Stormwater management district" means a stormwater management district authorized under this subtitle.

§21–602.

This subtitle applies only in Montgomery County and Prince George's County.

§21–603.

(a) This subtitle shall be liberally construed to carry out its purposes.

(b) This subtitle does not impair the rights and privileges vested in the holders of bonds issued by the Commission or Prince George's County for stormwater management.

§21–606.

(a) (1) Montgomery County may establish a stormwater management district that includes the land in its boundaries, except for the land in the City of Takoma Park.

(2) In its stormwater management district, Montgomery County shall provide efficient stormwater management services to the residents and property

owners of the stormwater management district with adequate facilities for development and promotion of safety for life and property.

(3) The stormwater management services shall include those formerly performed by the Commission.

(4) Montgomery County may not exercise stormwater management authority in the City of Takoma Park unless the city and county otherwise agree.

(b) (1) The stormwater management district is a special taxing district for the purpose of stormwater management.

(2) Montgomery County may establish one or more special taxing areas within its stormwater management district.

§21–607.

(a) (1) Prince George's County may establish a stormwater management district that includes the land in its boundaries, except for the land in the City of Bowie.

(2) In its stormwater management district, Prince George's County shall provide efficient stormwater management services to the residents and property owners of the stormwater management district with adequate facilities for development and promotion of safety for life and property.

(3) The stormwater management services shall include those formerly performed by the Commission.

(4) Prince George's County may not exercise stormwater management authority in the City of Bowie unless the city and county otherwise agree.

(b) (1) The stormwater management district is a special taxing district for the purpose of stormwater management.

(2) Prince George's County may establish one or more special taxing areas in its stormwater management district.

§21–608.

The Commission may enter into agreements with Montgomery County and Prince George's County to perform stormwater management activities on behalf of each county as the county considers necessary and appropriate to maintain effective stormwater management programs in the stormwater management district.

§21–611.

Montgomery County, Prince George's County, and the City of Takoma Park

shall have independent and supplemental authority to enact an ordinance or other legislation to issue bonds for the purposes provided in this subtitle.

§21–612.

(a) (1) Montgomery County, Prince George's County, and the City of Takoma Park may issue bonds in any amount that they consider necessary to provide money for their respective portions of the stormwater management programs and systems authorized under this subtitle.

(2) The proceeds of bonds issued under paragraph (1) of this subsection shall be used for the planning, acquisition, construction, reconstruction, establishment, extension, enlargement, demolition, or purchase of facilities, including land, interests in land, or equipment, for stormwater management programs and systems.

(b) (1) (i) Bonds of the City of Takoma Park authorized by this subtitle may be issued in conjunction with bonds of Prince George's County authorized by this subtitle in the manner provided by resolutions of the City Council of the City of Takoma Park and the County Council of Prince George's County, subject in each case to approval of bond counsel for the respective jurisdiction.

(ii) The resolutions may include procedures for a joint or coordinated offering or sale of the bonds.

(2) (i) Prince George's County may issue bonds authorized by this subtitle payable from the ad valorem taxes authorized by § 21–623(a) of this subtitle for the benefit of the City of Takoma Park for the same purposes for which the City of Takoma Park may issue bonds under this subtitle in connection with systems located in the City of Takoma Park, subject to the approval of bond counsel for Prince George's County.

(ii) The bonds authorized by this paragraph shall be approved by appropriate resolutions of the City Council of the City of Takoma Park and the County Council of Prince George's County.

(iii) The resolutions shall provide for the lending of the appropriate portion of the proceeds of the bonds by Prince George's County to the City of Takoma Park and the repayment of the loan by the City of Takoma Park to Prince George's County in the amounts and at the times necessary to enable Prince George's County to make all payments of principal of and interest on the bonds when due, including the proportionate part of any principal of any outstanding sinking fund bonds, as determined by the table of redemption of bonds for bonds issued by Prince George's County for the benefit of the City of Takoma Park for stormwater management under this subtitle.

§21–613.

Bonds issued under this part:

(1) are general obligation bonds of the issuing authority that are fully registered as to both principal and interest when approved by ordinance or other legislative act of the county or city;

(2) shall bear interest payable at any time and at any annual rate as provided or authorized by legislative act;

(3) may not mature later than 40 years from the date of their issue;

(4) may be made redeemable before maturity at the option of the issuing authority, at any price and under any terms and conditions that are set before their issuance;

(5) shall have any other terms and provisions and be otherwise issued as provided or authorized by legislative act; and

(6) shall be sold in any manner, either at a public or private negotiated sale, and on any terms, at, above, or below par, as provided or authorized by legislative act.

§21–614.

Bonds issued under this part, a transfer of the bonds, the interest payable on the bonds, and any income derived from the bonds, including any profit realized in the sale or exchange of the bonds, are exempt from taxation by the State or by any county, municipality, or other public unit of the State.

§21–615.

Bonds authorized by this part and the issuance and sale of the bonds are exempt from §§ 19–205 and 19–206 of this article.

§21–616.

(a) Bonds authorized by this part are, and shall state, an irrevocable pledge of the full faith and credit and unlimited taxing power of the issuing authority to the payment of the maturing principal of and interest on the bonds as and when the bonds become payable.

(b) The bonds shall be payable first from the stormwater management fund of the issuing authority.

(c) To the extent a stormwater management fund is insufficient to pay the principal, interest, and redemption premium, if any, on the bonds, the issuing authority shall impose ad valorem taxes, unlimited as to rate or amount, on all assessable property in the stormwater management district in an amount sufficient to provide for the payment of the principal, interest, and redemption premium, if any, when due.

§21–617.

Notwithstanding any limitation or provision of any charter or local law regulating the creation of public debts or the financing of capital projects, bonds issued under this part, the borrowing that the bonds represent, the pledge of the full faith and credit of the issuing authority or any other guarantee of the issuing authority, and the programs or projects being financed are not subject to:

(1) any referendum requirement of the charter or local law of the authority issuing the bonds or in which the programs or projects are located;

(2) any limitation of the charter or local law on the rate of taxation or the aggregate amount of taxes that may be imposed by the issuing authority; or

(3) any requirement of charter or local law as to the form or public sale of the bonds.

§21–618.

(a) Bonds issued by Montgomery County or Prince George's County to provide money for stormwater management remain valid, binding, and enforceable in accordance with their terms, including any provision for a maturity date beyond June 30, 1990.

(b) Notwithstanding the repeal, expiration, or termination after the date of issuance of the bonds of the authority under which the bonds were issued, the rights of the bondholders and the responsibilities and obligations of Montgomery County or Prince George's County with respect to the bonds may not be impaired and shall remain in full force and effect.

(c) The responsibility of Montgomery County or Prince George's County includes the responsibility to repay the bonds and to impose taxes for or otherwise guarantee the payment of the bonds.

§21–621.

(a) This part does not impair the rights of Prince George's County or the City of Bowie to contract with each other for the provision of stormwater management.

(b) This part does not impair the rights of Prince George's County or the City of Takoma Park to contract with each other, or with other parties, for the provision of stormwater management.

§21–622.

(a) (1) In the stormwater management district, Prince George's County may require an owner or developer of a subdivision or tract of land on which buildings are to be erected to contribute what the county determines to be a fair share of the cost of a

stormwater management project before the county approves or constructs the project.

(2) In the City of Bowie, the city may require an owner or developer of a subdivision or tract of land on which buildings are to be erected to contribute what the city determines to be a fair share of the cost of a stormwater management project before the city approves or constructs the project.

(3) In the City of Takoma Park, the city may require an owner or developer of a subdivision or tract of land on which buildings are to be erected to contribute what the City Council determines to be a fair share of the cost of a stormwater management project in the city's jurisdiction before the City Council approves the project for construction.

(4) In Montgomery County, except for property in the City of Takoma Park, the Montgomery County Council may require an owner or developer of a subdivision or tract of land on which buildings are to be erected to contribute what the County Council determines to be a fair share of the cost of a stormwater management project in the county's jurisdiction before the County Council approves the project for construction.

(5) Before construction begins, the contribution shall be paid in cash or secured to the satisfaction of the approving authority.

(b) Montgomery County, Prince George's County, the City of Bowie, and the City of Takoma Park each may construct in its boundaries any part of an approved stormwater management project if the owner or developer contributes a share of the cost of the project considered appropriate by the approving authority.

(c) Montgomery County, Prince George's County, the City of Bowie, and the City of Takoma Park each shall include in its annual capital budget for stormwater management capital projects an amount representing anticipated contributions to stormwater management.

§21–623.

(a) Except as otherwise provided in this subtitle, Montgomery County and Prince George's County each may impose an ad valorem tax on all property assessed for tax purposes in the stormwater management district at a rate required to produce the amount needed to pay for:

(1) maintenance of stormwater management systems in the stormwater management district that were maintained by the Commission before July 1, 1987, and systems established by each county on or after July 1, 1987;

(2) the principal and interest that becomes due and owing to the bondholders during the following year and the proportionate part of the principal of all outstanding sinking fund bonds, as determined by the table of redemption of bonds for bonds issued by:

(i) the Commission for stormwater management; and

(ii) the county for stormwater management under this subtitle; and

(3) the cost of stormwater management activities and practices in the stormwater management district, as approved in the county's annual stormwater management budget and appropriations resolution for the following fiscal year.

(b) (1) The Commission shall certify annually to each county the amount necessary to produce the sum required to pay the principal, interest, and other obligations for the current year on the outstanding bonds issued by the Commission to pay for stormwater management projects in the county's stormwater management district.

(2) The county shall pay the amount certified under paragraph (1) of this subsection.

(c) (1) Except as provided in paragraph (2) of this subsection, the taxes authorized by this section shall be imposed and collected in the same manner, have the same priority, bear the same interest, and be treated in all respects as other county taxes.

(2) (i) Notwithstanding any provision of charter or other law, the taxes may not be subject to a limitation on the tax rate or tax revenues of the county.

(ii) The tax revenues shall be deposited and maintained in a separate stormwater management fund established under § 21–627 of this subtitle.

(iii) The tax revenues deposited in the fund shall be in addition to all other county taxes and may not be considered county taxes for the purpose of applying the limitations in Article VIII, § 812 of the Prince George's County Charter.

§21–624.

(a) This section applies only in Montgomery County.

(b) Subject to subsections (c)(1) and (d) of this section, the County Council of Montgomery County shall impose an ad valorem tax on all property assessed for tax purposes in the county, including property in any municipality in the county.

(c) (1) Except for the City of Takoma Park, the ad valorem tax may not exceed:

(i) 0.4 cent per $100 of the assessed value of real property; or

(ii) 1 cent per $100 of the assessed value of personal property and operating real property described in § 8–109(c) of the Tax – Property Article.

(2) The tax shall be in an amount necessary to pay for the maintenance of:

(i) stormwater management systems in the part of the sanitary district in Montgomery County that were previously maintained by the Commission; and

(ii) on application of a municipality, any stormwater management system previously maintained by the municipality.

(d) (1) If a municipality decides to maintain all existing stormwater management systems in its boundaries, the municipality shall notify the county council of its intent to maintain the stormwater management systems before the date on which the county council adopts its annual budget.

(2) If the conditions set forth in paragraph (1) of this subsection are met, all assessable properties in the municipality shall be exempt from the tax imposed under this section.

(e) (1) The county shall maintain every interest in stormwater easements, structures, and other properties in the county, whether or not established by plat, that were transferred by deed to the county.

(2) The Commission and any municipality in the county shall allow the county to enter and exit over any fee, leasehold, easement, or right–of–way of the Commission or municipality to maintain any stormwater easement, structure, or other property.

§21–625.

(a) Except as otherwise provided in this subtitle, the City of Takoma Park may impose an ad valorem tax on all property assessed for tax purposes in the city at a rate required to produce the amount needed to pay for:

(1) maintenance of stormwater management systems in the city that were maintained by the Commission before July 1, 1990, and systems established by the city on or after July 1, 1990;

(2) the principal and interest that becomes due and owing to:

(i) the bondholders during the following year and the proportionate part of the principal of all outstanding sinking fund bonds, as determined by the table of redemption of bonds for bonds issued by or on behalf of the city on or after July 1, 1990, for stormwater management under this subtitle; and

(ii) Prince George's County with respect to the repayment of any loan made by the county to the City of Takoma Park under § 21–612(b) of this subtitle; and

(3) the cost of stormwater management activities and practices in the city, as approved in the city's annual stormwater management budget and appropriations resolution for the following fiscal year.

(b) In lieu of the ad valorem taxes authorized by subsection (a) of this section, the City of Takoma Park may adopt a stormwater management utility fee system or user charges to pay the costs of stormwater management activities and projects based on factors such as land use, amount of runoff, conservation, and environmental and other considerations.

(c) (1) Except as provided in paragraph (2) of this subsection, the taxes authorized by this section shall be imposed and collected in the same manner, have the same priority, bear the same interest, and be treated in all respects as other taxes imposed by the City of Takoma Park.

(2) (i) Notwithstanding any provision of the charter, laws, or ordinances of the City of Takoma Park, the taxes may not be subject to a limitation on the tax rate or tax revenues of the city.

(ii) The tax revenues, user charges, and utility fees shall be deposited and maintained in a separate stormwater management fund established under § 21–628 of this subtitle.

§21–626.

(a) Property owned by the State or a unit of State government, a county, a municipality, or a regularly organized volunteer fire department that is used for public purposes is exempt from the taxes, user charges, and utility fees imposed under this part.

(b) Property that is not in a stormwater management district or is not otherwise provided direct or indirect stormwater management services in a stormwater management district may not have a tax imposed by the county until the county acquires, extends, or begins to provide stormwater management services, facilities, or programs to the property.

§21–627.

(a) On establishing a stormwater management district, Montgomery County and Prince George's County each shall:

(1) establish a stormwater management fund; and

(2) deposit in the fund:

(i) receipts and revenues from an ad valorem tax imposed under § 21–623 of this subtitle; and

(ii) charges, fees, fees–in–lieu, and other contributions received from any person or governmental unit in connection with stormwater management activities or practices.

(b) Money in a county stormwater management fund shall be used only to pay for the costs of stormwater management as set forth in § 21–623(a) of this subtitle.

§21–628.

(a) The City of Takoma Park shall:

(1) establish a stormwater management fund; and

(2) deposit in the fund:

(i) receipts and revenues from any ad valorem tax, user charge, or utility fee imposed under § 21–625 of this subtitle; and

(ii) charges, fees, fees–in–lieu, and other contributions received from any person or governmental unit in connection with stormwater management activities or practices.

(b) Money in the Takoma Park stormwater management fund shall be used only to pay for the costs of stormwater management as set forth in § 21–625(a) of this subtitle.

§21–629.

(a) If land in the Prince George's County stormwater management district is annexed by the City of Bowie or the City of Takoma Park, the land is no longer part of the county stormwater management district.

(b) (1) Subject to paragraph (2) of this subsection, the annexing municipality is responsible for stormwater management in the annexed area.

(2) Prince George's County shall impose and collect from the annexed property an ad valorem tax at a rate sufficient to pay the principal, interest, and other obligations on outstanding bonds issued by the Commission or Prince George's County for stormwater management before the annexation.

§21–632.

(a) Each county and the City of Takoma Park is responsible for the maintenance of stormwater management systems or parts of systems located in its stormwater management district and transferred to it under this subtitle.

(b) The Commission and any municipality in Montgomery County or Prince George's County shall allow the county to enter and exit over any fee, leasehold, easement, or right–of–way of the Commission or the municipality to maintain any stormwater management easement, structure, or other property.

§21–633.

(a) Except as provided in subsection (b) of this section, the county where the project is located shall maintain every stormwater management system and part of every system that:

(1) was constructed by the Commission or the county or accepted for maintenance by the Commission or the county; and

(2) is located in a street, an alley, a public way, or a public space.

(b) Unless the county agrees otherwise:

(1) a stormwater management system that is located on real property owned by the Maryland–National Capital Park and Planning Commission shall be maintained by the Maryland–National Capital Park and Planning Commission; and

(2) a stormwater management system or facility that is located in a road maintained by the State Highway Administration shall be maintained by the State.

§21–634.

On or after July 1, 1990, the City of Takoma Park shall maintain every stormwater management system and part of every system that:

(1) was constructed by the Commission or accepted for maintenance by the Commission within the City of Takoma Park before July 1, 1990; and

(2) is located in a street, an alley, a public way, or a public space.

§21–637.

(a) In the review and approval by Montgomery County, Prince George's County, or the City of Takoma Park of the requirements for storm drainage or stormwater management, the county or city may require the owner of land to be developed to:

(1) provide easement areas or on–site stormwater management facilities; and

(2) agree to construct the necessary facilities or provide for the construction by posting a bond in an amount sufficient to construct the stormwater management facilities that the county or city considers necessary.

(b) (1) If the county or the City of Takoma Park decides to construct stormwater management facilities to serve more than one development or if the county or city agrees to allow the owner or developer to construct a stormwater management system, the county or city may enter into an agreement with the developers of new developments for payment by the developers of a fee in lieu of on–site stormwater

management facilities.

(2) The fee in lieu of on–site stormwater management facilities shall be based on an equitable pro rata share of the net cost of the facilities after deducting any State or federal grants applied to the construction of the facilities.

(c) The county or the City of Takoma Park may require the owner's bond or the contribution of a pro rata share of the net cost for the construction of facilities in adjacent or nearby land in the same drainage area that the county or city may determine will be required because of the development of the owner's land.

(d) Easements required by the county or the City of Takoma Park shall have the restrictions that the county or city may require as to:

(1) grading; and

(2) prohibiting structures, fences, or plantings on the easement area.

(e) (1) The Maryland–National Capital Park and Planning Commission may not approve a plat for subdivision of land until it ascertains from the county, the City of Bowie, or the City of Takoma Park, whichever is appropriate, whether easement areas for stormwater management facilities are required.

(2) If easement areas are required, the Maryland–National Capital Park and Planning Commission may not approve the plat for recordation until the easements are included on the plat.

§21–638.

(a) Montgomery County, Prince George's County, the City of Bowie, the City of Takoma Park, and any person or municipality may not adopt a stormwater management plan, system, or design in these jurisdictions, including a capital improvement program for stormwater management, unless:

(1) the stormwater management plan or design is in accordance with the 6–year capital improvement program of the jurisdiction responsible for stormwater management in the affected area and is approved by that jurisdiction; or

(2) the plan, system, or design is intended to protect an individual's home and has no adverse impact on other properties or stormwater management systems.

(b) (1) (i) If Montgomery County, Prince George's County, the City of Bowie, or the City of Takoma Park prepares a stormwater management plan, system, or design, or if a stormwater management plan, system, or design has been submitted to Montgomery County, Prince George's County, the City of Bowie, or the City of Takoma Park, the city or county shall submit a copy of the plan, system, or design to the Commission.

(ii) After the submission, the Commission shall have a specified, reasonable time to review and comment on the plan, system, or design to the city or county to indicate any conflict in the plan, system, or design with the existing or planned water supply or sanitary sewer systems of the Commission.

(iii) The stormwater management system or design approved by Montgomery County, Prince George's County, the City of Bowie, or the City of Takoma Park shall be consistent with the Commission's comments.

(2) (i) When the Commission receives a copy of a plan from the City of Bowie, the Commission promptly shall provide a copy to the County Council and County Executive of Prince George's County for review and comment.

(ii) When the Commission receives a copy of a plan from the City of Takoma Park, the Commission promptly shall provide a copy to the County Council and County Executive of Montgomery County for review and comment.

(3) When Prince George's County receives a plan that provides for drainage into a storm drain or stormwater management facility of the City of Bowie or onto any easement of the City of Bowie, the county promptly shall provide a copy of the plan to the City of Bowie for review and comment.

(c) (1) If the Commission or Prince George's County, after reviewing a plan submitted by the City of Bowie, advises the city that the Commission or county finds that construction in accordance with the plan will cause stormwater runoff problems in the maintenance of existing facilities or construction and maintenance of planned facilities, the city may not authorize construction to begin until the matter is resolved.

(2) If the Commission or Montgomery County, after reviewing a plan submitted by the City of Takoma Park, advises the city that the Commission or county finds that construction in accordance with the plan will cause stormwater runoff problems in the maintenance of existing facilities or construction and maintenance of planned facilities, the city may not authorize construction to begin until the matter is resolved.

§21–641.

(a) All property of the Commission that the Commission and the applicable county mutually determine to be used primarily for stormwater management is deemed transferred effective July 1, 1987, to that county as provided in this section.

(b) All property of the Commission that the Commission and the City of Takoma Park mutually determine to be used primarily for stormwater management is deemed transferred effective July 1, 1990, to the City of Takoma Park as provided in this section.

(c) (1) The Commission shall execute instruments of transfer as necessary to evidence the transfers.

(2) All real and personal property, including all fees, leaseholds, easements, rights–of–way, buildings, fixtures, systems, and equipment, owned or held by the Commission for the primary purpose of stormwater management is transferred to the county in which the property is located or affixed or to the City of Takoma Park if the property is located in or affixed to the City of Takoma Park.

(3) All tangible and intangible personal property, including all equipment, construction materials, fees, fees–in–lieu, contributions, reserve funds, sinking funds, contracts, agreements, claims, demands, and actions, owned or held by the Commission for the primary purpose of stormwater management is transferred to the county in which is located the real property to which the personal property relates or to the City of Takoma Park if the real property to which the personal property relates is located in the City of Takoma Park or, if unrelated to specific property, is transferred in proportion to the real property acreage transferred to each county or to the City of Takoma Park under this section.

(d) Notwithstanding this section, the Commission shall retain sufficient funds to pay for debt service accruing before October 1, 1987, on outstanding bonds issued by the Commission for stormwater management and the undepreciated cost of the moveable assets transferred.

(e) (1) The transfer of property under this section does not impair the rights of holders of bonds issued by the Commission for stormwater management or the responsibility of the Commission for the repayment of the bonds or the responsibility of the counties to impose taxes for or otherwise guarantee the repayment of the bonds.

(2) The City of Takoma Park is not responsible for payment to the Commission for debt service on any bonds issued by the Commission outstanding on June 30, 1990.

§21–644.

(a) (1) This subsection does not apply to § 21–624 of this subtitle.

(2) Except as provided in subsection (b) of this section, a person who violates the provisions of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $1,000 or both.

(b) A person who violates § 21–633, § 21–634, or § 21–637 of this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding $500 or both.

(c) A person may be convicted of a second or subsequent violation of a provision of this subtitle or a regulation adopted under this subtitle.

§21–701.

(a) (1) In this section the following words have the meanings indicated.

(2) "Cost" has the meaning stated in § 21–501 of this title.

(3) "County tax limitation" means a provision of a county charter that limits:

(i) the maximum property tax rate that a county may impose; or

(ii) the rate of growth of county property tax revenues.

(4) "County transportation improvement" includes:

(i) for county roads and highways:

1. a county right–of–way, roadway surface, roadway subgrade, shoulder, median divider, drainage facility or structure, related stormwater management facility or structure, roadway cut, roadway fill, guardrail, bridge, highway grade separation structure, tunnel, overpass, underpass, interchange, entrance plaza, approach, or other structure forming an integral part of a street, road, or highway, including a bicycle or walking path, designated bus lane, sidewalk, pedestrian plaza, streetscaping, or related infrastructure; or

2. any other property acquired for the construction, operation, or use of the highway; and

(ii) for a county transit facility, any one or more or combination of tracks, rights–of–way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, building structures, other real or personal property, or services incidental to or useful or designed for use in connection with the rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation, but does not include any railroad facility.

(5) "Special taxing district" means a defined geographic area designated by a county within which ad valorem or special taxes are imposed to finance the cost of infrastructure improvements.

(6) "State transportation improvement" includes a highway facility, a transit facility, and related infrastructure.

(7) "Transit facility" has the meaning stated in § 3–101(k) of the Transportation Article.

(b) A county tax limitation that would otherwise apply to ad valorem or special taxes imposed only in a special taxing district does not apply for the purpose of financing the cost of State transportation improvements or county transportation improvements.

§21–702.

(a) (1) In this section the following words have the meanings indicated.

(2) "Bond" means a special obligation bond, note, or other similar instrument issued by a county under this section.

(3) "Cost" means any expense necessary or incident to acquiring, building, or financing any transportation improvement as may be provided by the local law authorized under subsection (b) of this section.

(4) (i) "Special tax" means an ad valorem or a special tax, an assessment, a fee, or a charge imposed by a county in a special taxing district.

(ii) "Special tax" does not include an ad valorem or a special tax, an assessment, a fee, or a charge imposed under Chapter 20A of the Montgomery County Code.

(5) (i) "Special taxing district" means a special taxing district, special assessment district, or similar defined geographical area in a county in which the county is authorized to impose a special tax.

(ii) "Special taxing district" does not include a development district created under Chapter 20A of the Montgomery County Code.

(6) "Transportation improvement" means a State transportation improvement or a county transportation improvement as defined in § 21–701 of this subtitle.

(b) Notwithstanding any other public general law, public local law, or charter of a charter county, a county may enact a law to provide for the issuance of bonds to finance the cost of transportation improvements for which the principal, interest, and any premium shall be paid from and secured by special taxes collected by the county in a special taxing district.

(c) (1) Bonds issued under this section are special obligations of the county and do not constitute a general obligation debt of the county or a pledge of the county's full faith and credit or general taxing power.

(2) Bonds issued under this section may be sold in any manner, either at public or private sale, and on terms as the county considers best.

(3) Bonds issued under this section are not subject to §§ 19–205 and 19–206 of this article.

(4) Bonds issued under this section, their transfer, the interest payable on them, and any income derived from them, including any profit realized on their sale or exchange, are exempt from taxation by the State, a county, or a municipality.

(5) Bonds issued under this section shall be treated as securities to the same extent as bonds issued under Subtitle 5 of this title.

(d) In addition to the special taxes, bonds issued under this section may be secured by other revenues generated in the special taxing district.

(e) This section, being necessary for the welfare of the State and its residents, shall be liberally construed to effect its purposes.

§21–801.

(a) This section applies to all counties except Baltimore City.

(b) The governing body of a county may:

(1) provide for street lighting along the roads of the county; and

(2) enter into contracts for the installation, maintenance, and operation of street lighting.

(c) Except as provided in subsections (g) and (h) of this section, a county shall pay the costs of street lighting provided for under this section by an ad valorem tax imposed on each property in the district served by the street lighting.

(d) (1) Except as provided in subsections (e) and (f) of this section, the governing body of a county may create a street lighting district only on receipt of a petition signed by 60% of the owners of property located in the proposed district.

(2) The petition shall describe the boundaries of the proposed electric lighting district.

(3) (i) On receipt of the petition, the governing body of the county shall hold a public hearing at which the residents in the proposed street lighting district shall be given an opportunity to be heard.

(ii) The governing body shall:

1. hold the hearing not less than 14 days nor more than 60 days following receipt of the petition; and

2. publish notice of the hearing at least once in a newspaper of general circulation in the boundaries of the proposed street lighting district.

(4) (i) After the hearing the governing body of the county may establish the street lighting district and impose on all property that is subject to county taxes and is located in the district ad valorem taxes at a rate sufficient to pay the cost of the street lighting.

(ii) All taxes under this subsection shall be imposed in the same manner as county taxes.

(e) (1) In addition to the process set forth under subsections (b), (c), and (d) of

this section, the County Commissioners of Frederick County may create, on their own initiative, a street lighting district for undeveloped land in the county if:

(i) a subdivision plat for the land has not been approved by the County Planning Commission or recorded by the clerk of the court; and

(ii) the district is created in accordance with paragraph (2) of this subsection.

(2) (i) Before establishing a street lighting district under this section, the county commissioners shall hold a public hearing on the proposal, at which time the boundaries of the proposed district shall be fully described.

(ii) A notice of public hearing together with a summary of the proposal shall be published in at least one newspaper of general circulation in the county once each week for the 2 successive weeks immediately before the hearing.

(f) The County Commissioners of St. Mary's County may create a street lighting district on receipt of a petition signed by a majority of the owners of property located in the proposed district.

(g) Somerset County may pay the cost of street lighting provided in accordance with this section by a tax imposed equally only on improved property in the district.

(h) (1) To cover the costs of street lighting, the County Commissioners of Washington County may impose either:

(i) an ad valorem tax as provided in subsection (c) of this section; or

(ii) a fixed amount per tax account that shall be uniform in the street lighting district.

(2) Late payments are subject to interest from the date due at the same rate, and subject to the same collection procedures, as overdue county property taxes.

§21–802.

(a) Within 60 days after the end of each fiscal or calendar year, a special taxing area commission or board in Allegany County that has the right to collect taxes or fees shall file a report with the County Commissioners of Allegany County to account for all taxes collected and disbursed.

(b) (1) A report required under this section shall be notarized.

(2) The County Commissioners of Allegany County may require a certified audit.

(c) A report required under this section shall be open for public review at the

courthouse and at a convenient location in the area where taxes or fees are collected.

§21–803.

(a) The governing body of Anne Arundel County may:

(1) establish special taxing districts; and

(2) impose ad valorem taxes on all real property in a special taxing district at a rate sufficient to provide adequate annual revenue to pay the principal of and interest on any bonds or other obligations of the county issued to finance the design, acquisition, establishment, improvement, extension, operation, or alteration of public parking facilities or pedestrian malls.

(b) Ad valorem taxes imposed under this section shall be imposed in the same manner, on the same assessments, for the same period, and as of the same date of finality as county real property taxes.

§21–804.

(a) (1) By ordinance, the County Commissioners of Calvert County may establish stormwater management districts.

(2) Before adopting an ordinance establishing stormwater management districts, the county commissioners by ordinance shall adopt a comprehensive stormwater management plan.

(b) (1) In this subsection, "area affected" means the critical area generating the run–off water and the area flooded.

(2) A written petition requesting the creation of a stormwater management district and a stormwater management project may be presented to the County Commissioners of Calvert County by:

(i) two–thirds of the real property owners in the area affected; or

(ii) the owners of two–thirds of the real property in the area affected.

(c) (1) On receipt of a valid petition, the County Commissioners of Calvert County shall:

(i) hold a public hearing;

(ii) mail a notice of the time and place of the hearing to each owner of real property in the proposed district at the address shown on the assessment records; and

(iii) publish notice of the time and place of the hearing in at least one newspaper of general circulation in the county for 2 successive weeks.

(2) At the hearing, the county commissioners shall:

(i) determine, with the advice of the Calvert Soil Conservation District, the scope of the stormwater management project; and

(ii) advise the property owners of the approximate cost and estimated benefit charges to be imposed on property in the stormwater management district.

(d) (1) The County Commissioners of Calvert County shall:

(i) determine, with the advice of the Calvert Soil Conservation District, the extent to which the county shall assume responsibility for design, construction, and maintenance of the stormwater management project;

(ii) determine responsibility for design, construction, and maintenance that is not to be assumed by the county;

(iii) determine whether to proceed with plans and specifications; and

(iv) set a date for a final hearing.

(2) The date for the final hearing may be changed only after notice is given in accordance with subsection (c)(1) of this section.

(e) (1) At the final hearing, the County Commissioners of Calvert County may establish the stormwater management district and designate the area included in the district.

(2) If the county commissioners establish a stormwater management district, the county commissioners shall determine:

(i) the scope of the stormwater management project;

(ii) the estimated cost of the project;

(iii) the estimated costs to be assumed by the county;

(iv) the costs to be assumed by other persons; and

(v) estimated benefit charges to be imposed on each individual property.

(3) The estimated benefit charges to be imposed on each individual property shall be based on the benefits accruing to each property in the stormwater management district to the extent the property is benefited by the project, as determined by the county commissioners.

(4) The total cost of the project may be funded by the county commissioners, with individual costs paid back to the county by property owners in a

period of time and with interest at a rate set by the county commissioners.

(f) If the County Commissioners of Calvert County proceed with a stormwater management project, the county commissioners shall:

(1) advertise for bids in the proper manner; and

(2) award the contract to the lowest responsible bidder.

(g) (1) On completion of a stormwater management project, the County Commissioners of Calvert County shall impose benefit charges on all real property in the stormwater management district.

(2) The benefit charges imposed under this subsection shall be sufficient to meet the costs of the project other than the costs to be assumed by the county.

(3) A benefit charge imposed under this subsection:

(i) is a lien on the real property on which it is imposed; and

(ii) shall be paid annually as county taxes are required to be paid, for the period of time established by the county commissioners.

(h) The County Commissioners of Calvert County may accept as a gift, or contract to purchase, land and easements required for the stormwater management district.

(i) (1) On completion of the stormwater management project to county specifications:

(i) Calvert County shall maintain the portions of the system that are located:

1. on county–owned rights–of–way and drainage ways; and

2. on drainage ways for which the county has accepted a permanent easement; and

(ii) all other portions of the system shall be maintained by the owner of the property on which a portion of the system is located.

(2) (i) If the owner of the property does not maintain the portion of the drainage system located on the property, the county, after proper notice, may enter the property and correct the drainage problem.

(ii) All costs for actions taken by the county under this paragraph shall be charged as a lien on the real property.

§21–805.

(a) In this section, "Department" means the Crofton Police Department.

(b) There is a Crofton Police Department.

(c) (1) The Department is:

(i) established to provide protection for the Crofton Special Community Benefit District in Anne Arundel County; and

(ii) responsible for enforcing the applicable laws, ordinances, and regulations of the State and Anne Arundel County.

(2) (i) The Department is not an agency of Anne Arundel County.

(ii) The officers, employees, and agents of the Department are not officers, employees, or agents of Anne Arundel County.

(3) Anne Arundel County is not responsible for the acts or omissions of the Department or the officers, employees, or agents of the Department.

(d) (1) There is a Chief of Police of the Department.

(2) (i) The Chief of Police shall be appointed by the Town Manager of the Crofton Special Community Benefit District, with the approval of the Board of Directors of the Crofton Civic Association, Incorporated, acting as administrator of the Crofton Special Community Benefit District.

(ii) The Chief of Police shall be:

1. experienced in the command of uniformed patrols and in the detection and investigation of crime; and

2. selected solely on the basis of qualifications for the position.

(3) (i) The Chief of Police shall be responsible directly to the Town Manager.

(ii) All orders to the Department from the Town Manager shall be directed through the Chief of Police or the designee of the Chief of Police.

(4) (i) The Chief of Police shall command and administer the Department.

(ii) The duties of the Chief of Police include:

1. being responsible for the efficiency and good conduct of the Department;

2. overseeing the general operation of the Department;

3. hiring employees and appointing officers; and

4. disciplining employees and officers.

(5) The Chief of Police:

(i) shall serve at the pleasure of the Town Manager; and

(ii) subject to the approval of the Board of Directors of the Crofton Civic Association, Incorporated, acting as administrator of the Crofton Special Community Benefit District, may be removed by the Town Manager.

(e) (1) A member of the Department has all the powers granted to a peace officer and a police officer of the State.

(2) The powers granted under paragraph (1) of this subsection may be exercised only on property in the Crofton Special Community Benefit District and not on any other property, unless a member of the Department is:

(i) engaged in fresh pursuit of a suspected offender;

(ii) specially requested or allowed to exercise the powers in a political subdivision by the chief executive officer or chief police officer of the political subdivision; or

(iii) ordered to exercise the powers by the Governor.

(3) Members of the Department have concurrent jurisdiction in the performance of their duties with the law enforcement agencies of the State and Anne Arundel County.

(4) This section does not:

(i) relieve the State or Anne Arundel County from a duty to provide police, fire, and other public safety service and protection; or

(ii) affect the jurisdiction of other police, fire, and public safety agencies.

(f) (1) Subject to paragraph (2) of this subsection, the Maryland Police Training Commission shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for the Department, including standards for the performance of the duties of the Department.

(2) The Maryland Police Training Commission may delegate to the Board of Directors of the Crofton Civic Association, Incorporated, the authority to adopt standards, qualifications, and prerequisites under paragraph (1) of this subsection.

(g) (1) The Board of Directors of the Crofton Civic Association, Incorporated, acting as administrator of the Crofton Special Community Benefit District, shall adopt rules and regulations governing the operation and conduct of the Department, including its police officers.

(2) The rules and regulations of the Board of Directors concerning police officers shall supplement any rules or regulations of the Maryland Police Training Commission.

(3) Disobedience to the lawful commands, rules, or regulations of the Maryland Police Training Commission or the Board of Directors shall be grounds for disciplinary action, including removal.

(h) (1) Funding for the Department shall come from revenue derived from special taxes or assessments imposed on real property located in the Crofton Special Community Benefit District.

(2) The Department or the Board of Directors of the Crofton Civic Association, Incorporated, acting as administrator of the Crofton Special Community Benefit District, may apply for, accept, and spend any gift or grant for the benefit or use of the Department from the federal government, any State unit, any foundation, or any other person.

§21–806.

(a) In this section, "Department" means the Ocean Pines Police Department.

(b) There is an Ocean Pines Police Department.

(c) (1) The Department is:

(i) established to provide protection for the Ocean Pines community in Worcester County; and

(ii) responsible for enforcing the applicable laws, ordinances, and regulations of the State and Worcester County.

(2) (i) The Department is not an agency of Worcester County.

(ii) The officers, employees, and agents of the Department are not officers, employees, or agents of Worcester County.

(3) Worcester County is not responsible for the acts or omissions of the Department or the officers, employees, or agents of the Department.

(d) (1) There is a Chief of Police of the Department.

(2) (i) The Chief of Police shall be appointed by the General Manager of

the Ocean Pines Association.

(ii) The Chief of Police shall be:

1. experienced in the command of uniformed patrols and the detection and investigation of crime; and

2. selected solely on the basis of qualifications for the position.

(3) (i) The Chief of Police shall be responsible directly to the General Manager.

(ii) All orders to the Department from the General Manager shall be directed through the Chief of Police or the designee of the Chief of Police.

(4) (i) The Chief of Police shall command and administer the Department.

(ii) The duties of the Chief of Police include:

1. being responsible for the efficiency and good conduct of the Department;

2. overseeing the general operation of the Department;

3. hiring employees and appointing officers, subject to the approval of the General Manager; and

4. disciplining employees and officers.

(5) The Chief of Police shall serve at the pleasure of the General Manager and may be removed by the General Manager.

(e) (1) A member of the Department has all the powers granted to a peace officer and a police officer of the State.

(2) The powers granted under paragraph (1) of this subsection may be exercised only on property in the Ocean Pines community and not on any other property, unless a member of the Department is:

(i) acting under an agreement with another law enforcement agency;

(ii) engaged in fresh pursuit of a suspected offender;

(iii) specially requested or allowed to exercise the powers in a political subdivision by the chief executive officer or chief police officer of the political subdivision; or

(iv) ordered to exercise the powers by the Governor.

(3) Members of the Department have concurrent jurisdiction in the performance of their duties with the law enforcement agencies of the State and Worcester County.

(4) This section does not:

(i) relieve the State or Worcester County from a duty to provide police, fire, and other public safety service and protection; or

(ii) affect the jurisdiction of other police, fire, and public safety agencies.

(f) (1) Subject to paragraph (2) of this subsection, the Maryland Police Training Commission shall adopt standards, qualifications, and prerequisites of character, training, education, human and public relations, and experience for the Department, including standards for the performance of the duties of the Department.

(2) The Maryland Police Training Commission may delegate to the Board of Directors of the Ocean Pines Association, Incorporated, the authority to adopt standards, qualifications, and prerequisites under paragraph (1) of this subsection.

(g) (1) The Board of Directors of the Ocean Pines Association, Incorporated, shall adopt rules governing the operation and conduct of the Department, including its police officers.

(2) The rules of the Board of Directors concerning police officers shall supplement any rules or regulations of the Maryland Police Training Commission.

(3) Disobedience to the lawful commands, rules, or regulations of the Maryland Police Training Commission or the Board of Directors shall be grounds for disciplinary action, including removal.

(h) (1) Funding for the Department shall come from revenue derived from assessments imposed on real property located in the Ocean Pines community and other available sources.

(2) The Department or the Board of Directors of the Ocean Pines Association, Incorporated, acting as administrator of the Ocean Pines community, may apply for, accept, and spend any gift or grant for the benefit or use of the Department from the federal government, any State unit, any foundation, or any other person.

§24–101.

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

(b) "Council" means a regional council of governments.

(c) "Member" means a county or municipality that participates in a council.

§24–102.

(a) (1) By resolution, the governing body of any county or municipality may establish, organize, and participate in a council.

(2) A council may include a county, city, or town outside the State.

(b) A council may be established to:

(1) study governmental problems of mutual interest and concern; and

(2) make recommendations for review and action by its members.

§24–103.

(a) The council shall consist of at least one representative from each member.

(b) Each representative of a member shall be:

(1) its elected chief executive; or

(2) an individual from its governing body chosen by the governing body.

(c) (1) A member may withdraw from the council by resolution of its governing body.

(2) A withdrawal may not take effect until at least 60 days after the adoption of the resolution.

§24–104.

(a) A council may:

(1) study governmental problems common to two or more of its members, including matters affecting:

(i) economic conditions;

(ii) education;

(iii) environment;

(iv) health;

(v) regional development;

(vi) safety; and

(vii) welfare;

(2) promote cooperative arrangements and coordinate action among its members; and

(3) make recommendations for review and action to its members and other public agencies that perform functions in the region.

(b) A council may employ staff and consultants.

(c) A council shall adopt bylaws that designate its officers and provide for the conduct of its business.

(d) A council shall submit an annual report of its activities to its members.

§24–105.

(a) Each member:

(1) may appropriate funds to meet the expenses of the council; and

(2) may make nonmonetary contributions, including personnel services, use of equipment and office space, and other necessary services, as part of the member's financial support.

(b) A council may accept grants and other monetary or nonmonetary contributions from the federal government, the State government, any other governmental unit, or any private source.

§24–106.

(a) Subject to subsection (b) of this section, the State shall provide financial support to the Metropolitan Washington Council of Governments operating under this title to assist the Council in carrying out its activities on the basis of 50% of the per capita contributions of the Maryland members of the Council.

(b) The State contribution may not exceed an amount equal to the sum of $3,200 for each 50,000 residents in the Maryland counties and municipalities participating in the Council.

(c) The Governor shall include the funding required in this section in the annual State budget.

§25–101.

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

(b) "Board of directors" means the board of directors of a watershed association.

(c) "Board of viewers" means a board of watershed viewers established under this title.

(d) "Designated officer" means:

(1) the clerk of the county commissioners for a code county or commission county if there is a clerk for the county; or

(2) an employee or official of the county who is designated by the legislative body to perform the responsibilities of the designated officer under this title.

(e) "Landowner" means a person who owns, or has contracted to purchase, land that would be affected by a watershed project being considered by a watershed association or proposed watershed association.

(f) "Watershed association" means a public watershed association established under this title.

§25–102.

This title does not authorize:

(1) the interference with legal water rights; or

(2) the diversion of water in a manner that deprives an owner of land over which water flows of the benefits and water rights to which the owner of the land is legally entitled.

§25–103.

(a) On a petition filed under § 25–201 of this title, the county commissioners, county council, or Mayor and City Council of Baltimore City may establish a watershed association.

(b) A watershed association may:

(1) construct, operate, and maintain a watershed project for:

(i) watershed protection;

(ii) flood prevention;

(iii) recreation;

(iv) soil conservation;

(v) drainage;

(vi) the conservation, development, storage, use, and disposal of water for any beneficial purpose in watershed and subwatershed areas; or

(vii) the protection of areas subject to sediment or erosion damage; and

(2) cooperate with local, State, and federal units of government.

§25–104.

Watershed protection, flood prevention, recreation, soil conservation, drainage, and the conservation, development, storage, use, and disposal of water for any beneficial purpose benefit the public and promote public health, safety, and welfare.

§25–201.

A petition to establish a watershed association shall be filed with the designated officer of the county in which all or a majority of the land in the watershed or subwatershed area to be affected by the proposed watershed association is located.

§25–202.

(a) The petition shall:

(1) clearly describe the area's location, boundaries, and problems to be addressed by the establishment of a watershed association;

(2) describe the public benefit or the public health, safety, or welfare that would be promoted by establishing a watershed project for watershed protection, flood prevention, recreation, soil conservation, drainage, or the conservation, development, storage, use, and disposal of water for any beneficial purpose; and

(3) request the establishment of a watershed association for the purposes listed in item (2) of this subsection.

(b) A petition is valid only if signed by at least one–third of the landowners or the owners of at least one–third of the land in a watershed or subwatershed area.

§25–203.

(a) (1) The petition shall be accompanied by a report from the local soil conservation districts serving the area to be affected by the proposed watershed association.

(2) The report shall state:

(i) the size and location of the area to be affected by the proposed watershed association;

(ii) the nature of the problem to be addressed;

(iii) the type of treatment believed to be needed and the benefits anticipated;

(iv) whether the proposed watershed association is feasible and is generally supported by the landowners in the area;

(v) whether the proposed watershed association will benefit the public and promote the public health, safety, and welfare;

(vi) the name of the proposed watershed association, in the form of the "_____ Public Watershed Association"; and

(vii) the number of directors, equaling not less than three, to serve as the board of directors.

(b) The local soil conservation districts shall file with the report maps that show:

(1) a general delineation of the area to be affected by the proposed watershed association; and

(2) the area's location in each county in which the proposed watershed association lies.

§25–204.

(a) (1) The county commissioners, county council, or Mayor and City Council of Baltimore City shall examine the petition and report at the first meeting after receiving the petition and report.

(2) If the county commissioners, county council, or Mayor and City Council of Baltimore City find the petition and report are not in proper form or not in compliance with the law, the petition and report shall be returned to the petitioners to be corrected and resubmitted.

(3) If the county commissioners, county council, or Mayor and City Council of Baltimore City find the petition and report are in proper form and in compliance with the law, the county commissioners, county council, or Mayor and City Council of Baltimore City shall set a date for a public hearing on the petition and report.

(b) (1) At least 10 days before the hearing, the county commissioners, county council, or Mayor and City Council of Baltimore City shall:

(i) publish notice of the time and place of the hearing in a newspaper of general circulation in each county in the area in which the watershed association would be located; and

(ii) send notice of the hearing and any later hearing to the:

1. Department of Agriculture;

2. State Soil Conservation Committee in the Department of Agriculture;

3. Department of the Environment; and

4. Water Management Administration in the Department of the Environment.

(2) The notice of the hearing shall state that a copy of the report is available for inspection in the office of the designated officer.

(c) A copy of the report shall be available for inspection in the office of the designated officer.

§25–205.

If the land described in the petition is located in two or more counties, the county commissioners, county council, or Mayor and City Council of Baltimore City of an affected county may exercise the jurisdiction conferred in this title, but the venue shall lie in the county in which the petition is filed.

§25–206.

(a) At the hearing on the petition and report, the petitioners, any affected local soil conservation district, and any other person may appear in person or by counsel and object to any part of the report.

(b) The county commissioners, county council, or Mayor and City Council of Baltimore City may:

(1) disapprove the petition and report and return them to the petitioners for amendment in view of the objections presented; or

(2) approve the petition and report as submitted or amended.

§25–301.

(a) On approval of the petition and report filed under Subtitle 2 of this title, the county commissioners, county council, or Mayor and City Council of Baltimore City shall:

(1) establish a watershed association that is composed of the landowners; and

(2) name the organization the "_____ Public Watershed Association".

(b) A watershed association created under this title is a political subdivision of the State and a body politic and corporate.

(c) A watershed association may:

(1) acquire, hold, and convey property;

(2) sue and be sued;

(3) adopt a seal; and

(4) exercise corporate powers.

§25–302.

(a) Within 30 days after the approval of the petition and report, the county commissioners, county council, or Mayor and City Council of Baltimore City shall call a meeting of the landowners to:

(1) elect a board of directors; and

(2) determine the compensation for the board of directors.

(b) (1) At least 10 days before the meeting, the county commissioners, county council, or Mayor and City Council of Baltimore City shall post a notice of the meeting at four public places in the area or vicinity of the area affected by the watershed association.

(2) The notice shall state the time, place, and purpose of the meeting.

(c) Each landowner is entitled to one vote in the election of the board of directors.

(d) The board of directors elected under subsection (a) of this section shall determine by a random drawing the directors who:

(1) serve until the date of the first regular annual meeting;

(2) serve until the date of the first regular annual meeting and for 1 year thereafter; or

(3) serve until the date of the first regular annual meeting and for 2 years thereafter.

§25–303.

(a) Each year, the landowners shall meet to elect a successor to:

(1) any director whose term expired on or before the date of the meeting;

and

(2) any director who died or resigned since the last annual meeting.

(b) (1) The county commissioners, county council, or Mayor and City Council of Baltimore City shall appoint an individual to fill a vacancy on the board of directors if:

(i) the board of directors does not call an annual meeting of landowners; or

(ii) the board of directors holds an annual meeting of landowners but the landowners do not elect a director as required under subsection (a) of this section.

(2) If there is a vacancy on the board of directors, the county commissioners, county council, or Mayor and City Council of Baltimore City may appoint a director to serve until the next annual meeting of landowners.

§25–304.

(a) (1) Except as provided in subsection (b) of this section, the term of each director elected or appointed under § 25–303 of this subtitle is 3 years.

(2) Each director shall serve until a successor is elected or appointed.

(b) A director who is elected or appointed to fill a vacancy caused by death or resignation shall hold the office for the rest of the term and until a successor is elected or appointed.

§25–305.

(a) The board of directors shall elect a chair, a secretary, and any other necessary officer from among its members.

(b) The board of directors shall obtain a surety bond for any officer or employee who is entrusted with money.

§25–306.

An officer or a director of a watershed association shall have the immunity from liability described in § 5–508 of the Courts Article.

§25–307.

The county commissioners, county council, or Mayor and City Council of Baltimore City shall:

(1) retain the original petition and report approved under § 25–206(b) of this title; and

(2) deliver a copy of the approved petition and report to the board of directors and the State Soil Conservation Committee in the Department of Agriculture.

§25–308.

(a) The designated officer with whom a petition for the establishment of a watershed association is filed shall maintain a watershed file.

(b) The watershed file shall contain the petitions, motions, orders, reports, and other exhibits necessary for a complete record of the establishment of each watershed association in the county.

§25–309.

(a) In January of each year, the board of directors shall call a meeting of landowners.

(b) (1) At least 10 days before the meeting, the board of directors shall post a notice of the meeting at four public places in the area or vicinity of the area affected by the watershed association.

(2) The notice shall state the time, place, and purpose of the meeting.

(c) At the meeting, the landowners shall:

(1) receive the annual report of the board of directors; and

(2) transact any other business that may properly come before the landowners.

(d) The board of directors shall file a copy of the annual report and a copy of the minutes from the meeting with the designated officer.

§25–310.

(a) The board of directors may call a special meeting of landowners at any time.

(b) (1) At least 10 days before the meeting, the board of directors shall:

(i) post a notice of the meeting at four public places in the area or vicinity of the area affected by the watershed association; and

(ii) mail a notice to each landowner in the watershed association.

(2) The notice shall state the time, place, and purpose of the meeting.

§25–401.

(a) (1) The board of directors of the watershed association shall develop a

work plan for the watershed or subwatershed area.

(2) The watershed work plan may include:

(i) watershed protection;

(ii) flood prevention;

(iii) recreation;

(iv) soil conservation;

(v) drainage; and

(vi) the conservation, development, storage, use, and disposal of water for any beneficial purpose.

(b) In developing the watershed work plan, the board of directors:

(1) shall engage the services of private engineers; or

(2) may use the services of planners and engineers of local, State, and federal units of government.

(c) A member or an agent of the board of directors:

(1) may enter the land to make surveys and examinations for developing a watershed work plan; and

(2) is liable for actual damage done to any land entered during a survey or examination.

§25–402.

The watershed work plan developed under § 25–401 of this subtitle shall include:

(1) the location of each proposed watershed project on a map, drawing, or aerial photograph;

(2) a general delineation of the boundaries of the area affected by the watershed association with the general location in the county affected;

(3) engineering plans in sufficient detail to describe the proposed project;

(4) a general delineation of the boundaries of each tract of land in the area affected by the watershed association, including an estimate of the acreage of each tract; and

(5) the total estimated construction cost of each proposed watershed

project.

§25–403.

(a) On completion of the watershed work plan, or on the acceptance of a previously completed watershed work plan, the board of directors shall call a meeting of the landowners to vote on the adoption of the plan for submission to the county commissioners, county council, or Mayor and City Council of Baltimore City.

(b) (1) At least 10 days before the meeting, the board of directors shall:

(i) post a notice of the meeting in four public places in the area or vicinity of the area affected by the watershed association; and

(ii) mail a notice to each landowner.

(2) The notice shall state the time, place, and purpose of the meeting.

(c) At the meeting required under subsection (a) of this section:

(1) each landowner is entitled to one vote; and

(2) any landowner may vote by proxy if the proxy is dated, signed by the individual entitled to vote, and witnessed by at least one individual.

(d) (1) The board of directors shall determine whether to submit the watershed work plan to the county commissioners, county council, or Mayor and City Council of Baltimore City for review and approval.

(2) In making the determination, the board of directors shall consider:

(i) the vote of each landowner;

(ii) the probable apportionment of benefits to each landowner based on acreage;

(iii) the location of the watershed project; and

(iv) the extent of the benefits to the voter's land by the watershed project.

§25–404.

(a) (1) If the board of directors decides to submit the watershed work plan to the county commissioners, county council, or Mayor and City Council of Baltimore City, the board of directors shall submit three copies of the watershed work plan.

(2) The county commissioners, county council, or Mayor and City Council of Baltimore City shall forward a copy of the watershed work plan to the State Soil

Conservation Committee in the Department of Agriculture.

(b) The board of directors shall include with the submission of the watershed work plan a statement that the board of directors has determined that the watershed project:

(1) is feasible;

(2) will benefit the public and promote public health, safety, and welfare; and

(3) will produce sufficient benefits to warrant the expenditure.

§25–405.

(a) (1) If, after the review and approval of the watershed work plan under § 25–404 of this subtitle, the board of directors determines that it is in the interest of the watershed association to modify the purpose, scope, or location of the watershed project covered in the watershed work plan in a manner that would change the benefits or damages to landowners, the board of directors shall develop a supplemental watershed work plan.

(2) The supplemental watershed work plan shall:

(i) be developed as provided in § 25–401 of this subtitle; and

(ii) include the modified watershed project.

(b) The board of directors and the county commissioners, county council, or Mayor and City Council of Baltimore City shall follow the procedures set forth in §§ 25–402 through 25–404 of this subtitle in implementing the supplemental watershed work plan.

(c) A watershed viewers' report required under § 25–505 of this title based on a supplemental work plan developed and submitted under this subtitle that is approved by the county commissioners, county council, or Mayor and City Council of Baltimore City shall supersede any prior watershed viewers' report.

§25–501.

(a) (1) On approval of a watershed work plan submitted in accordance with § 25–404 of this title, the county commissioners, county council, or Mayor and City Council of Baltimore City shall appoint a board of viewers composed of at least three impartial individuals.

(2) A member of the board of viewers may not be a landowner.

(b) If a watershed project described in a watershed work plan is located in more

than one county, at least one member of the board of viewers shall be from each county in which the watershed project is located.

(c) An individual who is appointed as a member of a board of viewers may not act in that capacity until the individual provides written notice of acceptance of the appointment to the county commissioners, county council, or Mayor and City Council of Baltimore City.

(d) The county commissioners, county council, or Mayor and City Council of Baltimore City shall set the compensation for the members of a board of viewers.

§25–502.

(a) On receipt of a copy of a watershed work plan from the county commissioners, county council, or Mayor and City Council of Baltimore City, a board of viewers:

(1) (i) shall engage the services of private engineers; or

(ii) may use the services of planners and engineers of local, State, and federal units of government;

(2) enter and view, with the individuals described in item (1) of this subsection, the land described in the watershed work plan and the proposed watershed project as laid out on the ground; and

(3) make careful and thorough examination of the area to determine the benefits and damages that would result from the proposed watershed project to the land in the area affected by the watershed association.

(b) A board of viewers shall consider as damages, without regard to any benefit that would result from the proposed watershed project:

(1) the value of land taken for construction of the proposed watershed project;

(2) inconvenience imposed by the construction of the proposed watershed project; and

(3) other lawfully compensable damages.

§25–503.

(a) A board of viewers:

(1) shall determine the amount sufficient to pay:

(i) the cost of a proposed watershed project;

(ii) any damages awarded;

(iii) any compensation for an existing watershed project that the board of viewers adopts in accordance with § 25–504 of this subtitle;

(iv) the expenses of the board of viewers; and

(v) the costs of establishing the watershed association;

(2) shall subtract from the amount determined under item (1) of this subsection any amounts in money or service received from the county or any other source;

(3) shall assess each tract of land in the area affected by the watershed association a proportion of the amount described in item (2) of this subsection, based on the benefits that would accrue to the tract of land from the watershed project; and

(4) may not assess a tract of land for an amount that is more than the benefits that would accrue to the tract of land from the watershed project.

(b) Notwithstanding any other law, the county commissioners, county council, or Mayor and City Council of Baltimore City may:

(1) contribute in money, services, equipment, or materials toward the costs of any watershed project authorized under this title from general funds of the county; or

(2) allocate toward the costs of any watershed project any other money that is available for the watershed project.

§25–504.

(a) A board of viewers may adopt an existing watershed project, as a whole watershed project or as a part of a watershed project, under this title.

(b) If an existing watershed project is adopted by the board of viewers, the board of viewers shall pay fair compensation to each landowner for the value of work already done on the watershed project.

§25–505.

(a) At the earliest practicable date, the board of viewers shall submit three copies of a written report to the county commissioners, county council, or Mayor and City Council of Baltimore City.

(b) The report shall state:

(1) the name of each person entitled to damages and the amount of the damages;

(2) the name of each person entitled to compensation for a watershed project adopted under § 25–504 of this subtitle and the amount of the compensation;

(3) the amount determined under § 25–503(a)(1) of this subtitle; and

(4) the amount for which each benefited tract of land shall be assessed as its share of the total cost of the watershed project and its proportion of the whole.

§25–506.

(a) (1) The county commissioners, county council, or Mayor and City Council of Baltimore City shall examine a report submitted by a board of viewers under § 25–505 of this subtitle at the first meeting after receiving the report.

(2) If the county commissioners, county council, or Mayor and City Council of Baltimore City find that the report is not in proper form or not in compliance with the law, the report shall be returned to the board of viewers to be corrected and resubmitted.

(3) If the county commissioners, county council, or Mayor and City Council of Baltimore City find that the report is in proper form and in compliance with the law, the county commissioners, county council, or Mayor and City Council of Baltimore City shall set a date for a public hearing on the report.

(b) (1) At least 30 days before a hearing under this section, the county commissioners, county council, or Mayor and City Council of Baltimore City shall:

(i) publish notice of the time and place of the hearing in a newspaper of general circulation in each county in which the land to be affected by the watershed association is located;

(ii) mail a notice to each person named in the report; and

(iii) if a landowner or an owner of other property named in the report resides outside the State, serve written notice of the hearing on the tenant or agent of the landowner or owner of the other property.

(2) Notice of the hearing shall state that a copy of the report is available for inspection in an office of the designated officer.

(c) A copy of the board of viewers report shall be available for inspection in the office of the designated officer.

§25–507.

(a) At a hearing under § 25–506 of this subtitle:

(1) the board of viewers and engineers shall be present; and

(2) any person may appear in person or by counsel and object to any part

of the report.

(b) The county commissioners, county council, or Mayor and City Council of Baltimore City shall consider carefully each objection presented, taking into account the apportionment of costs and benefits.

(c) If a well founded objection can be resolved at the hearing by changing the report, the board of viewers shall make the changes necessary to treat each concerned person equitably.

(d) To help make a decision, the county commissioners, county council, or Mayor and City Council of Baltimore City may poll the landowners present who are named in the report of the board of viewers, considering the apportionment of benefits and damages.

(e) The county commissioners, county council, or Mayor and City Council of Baltimore City may:

(1) disapprove the report;

(2) return the report to the board of viewers for amendment or reconsideration in view of an objection presented; or

(3) approve the report as submitted or as amended.

(f) On approval of the report by the county commissioners, county council, or Mayor and City Council of Baltimore City, the board of directors may install, operate, and maintain the watershed project described in the watershed work plan.

§25–508.

(a) If a report is disapproved, the county commissioners, county council, or Mayor and City Council of Baltimore City shall pay the expenses properly incurred in making the survey and report and in publishing notices.

(b) To reimburse the county for the expenses described in subsection (a) of this section, the county commissioners, county council, or Mayor and City Council of Baltimore City may impose a special assessment in equal amounts on the property of the landowners who signed the petition filed under Subtitle 2 of this title.

§25–509.

If the property or interest of a minor who does not have a guardian is affected by a watershed project under this subtitle, the orphans' court of the county shall appoint a guardian to protect the interests of the minor.

§25–510.

(a) The county commissioners, county council, or Mayor and City Council of Baltimore City or circuit court for the county in which the proceedings are pending may, on application of any party and at any time before a final decision is made, grant leave to a party to amend the petition or any part of the proceedings that may be defective or informal so as to bring the merits of the case before the county commissioners, county council, or Mayor and City Council of Baltimore City for a decision or a jury of the circuit court for trial.

(b) The county commissioners, county council, or Mayor and City Council of Baltimore City or the circuit court may award costs.

§25–511.

(a) A person who may be adversely affected by any watershed project connected with the proposed watershed association may apply for an order of review to the county commissioners, county council, or Mayor and City Council of Baltimore City at any time before the approval of the report.

(b) The county commissioners, county council, or Mayor and City Council of Baltimore City may grant an order of review and appoint another board of viewers to redo the work done by the original board of viewers.

§25–512.

(a) A person who is aggrieved by a determination of the county commissioners, county council, or Mayor and City Council of Baltimore City, or by any proceedings under this title relating to a watershed project, may appeal to the circuit court of the county in which the determination was made or proceedings were conducted.

(b) Either party may elect a trial by jury.

§25–601.

(a) A watershed association may acquire any right–of–way, easement, or other property right necessary to construct and maintain the watershed project for:

(1) watershed protection;

(2) flood prevention;

(3) recreation;

(4) soil conservation;

(5) drainage; and

(6) the conservation, development, storage, use, and disposal of water for

any beneficial purpose.

(b) (1) A watershed association shall submit to the clerk of the circuit court in the appropriate county a book, to be known as the "easement record", that contains each easement for maintenance or right–of–way, according to the original design specifications or for not less than 20 feet, that the watershed association has in the county.

(2) A watershed association shall keep the easement record current.

(3) The clerk of a circuit court shall make an easement record available for inspection by the public.

§25–602.

For a watershed project that consists of stream channel improvement or drainage, the board of directors shall acquire any right–of–way or easement necessary to construct and maintain the channel improvements to dispose of excavated material according to standards of good engineering practice.

§25–603.

For a watershed project that consists of stream channel improvement or drainage, the board of directors of a watershed association in Charles County shall acquire any right–of–way or easement necessary to construct and maintain the drainage improvements and to dispose of excavated material according to standards of good drainage practice, regardless of the date that the watershed association was formed.

§25–604.

(a) If a landowner refuses to accept the damages awarded to the landowner by the board of viewers and approved by the county commissioners, county council, or Mayor and City Council of Baltimore City and refuses the necessary access to the landowner's land, the board of directors may begin condemnation proceedings under Title 12 of the Real Property Article to acquire a right–of–way, easement, or other property right.

(b) This title does not authorize the use of condemnation proceedings to acquire the right to use water separate and apart from the land to which the water is incident.

§25–701.

(a) The board of directors shall implement the watershed project.

(b) The board of directors may:

(1) hire employees;

(2) buy, hire, or rent machines, and buy explosives and other materials;

(3) award contracts;

(4) enter into an agreement with county, State, or federal units of government;

(5) acquire and hold water rights;

(6) plan and carry out watershed projects for storage, use, and distribution of water;

(7) charge for the use of water in the watershed, using the proceeds from the sale of the water to pay for water rights or to construct, maintain, repair, improve, and operate the watershed project; and

(8) do other acts as necessary, including borrowing money, in the name of the board of directors, if the borrowing is approved by the county commissioners, county council, or Mayor and City Council of Baltimore City.

(c) The board of directors shall:

(1) keep a regular account of its income and expenses; and

(2) report its income and expenses at the annual meetings of the watershed association and other meetings of the landowners.

§25–702.

(a) The board of directors shall control and supervise each watershed project under this title for:

(1) watershed protection;

(2) flood prevention;

(3) recreation;

(4) soil conservation;

(5) drainage; or

(6) the conservation, development, storage, use, and disposal of water for any beneficial purpose.

(b) The board of directors shall keep each watershed project in good repair.

§25–801.

(a) A special assessment imposed under this title shall be imposed on the land benefited by a watershed project.

(b) If a tract of land subject to a special assessment under this title is divided, the board of directors shall determine the ratio in which any later special assessment is to be imposed on each subdivided tract of land based on the proportion of the benefit to each tract.

§25–802.

Notwithstanding any other provision of law, a unit of State or local government that is a landowner shall pay a fee or special assessment imposed under this title if the fee or special assessment is imposed on all land that is similarly benefited or damaged by the proposed watershed project in an area affected by a watershed association.

§25–803.

(a) The board of directors shall determine the amount to be raised to implement an approved watershed project.

(b) The board of directors shall prepare an assessment list that shows the amount due from each landowner subject to the special assessment.

(c) The special assessments imposed on each tract of land shall be proportional to the total assessments.

(d) The assessment list required under subsection (b) of this section shall be:

(1) signed by the board of directors; and

(2) sent to the designated officer.

(e) (1) The designated officer shall certify the conformance of the assessment list with this section.

(2) After receiving the certification of the assessment list, the county commissioners, county council, or Mayor and City Council of Baltimore City shall certify the assessment list to the county tax collector.

(f) (1) The county tax collector shall include the special assessments imposed under this section in the next bills for county taxes.

(2) The special assessments are:

(i) due and collectible at the same time and in the same manner as county taxes; and

(ii) subject to the same interest and penalties for late payment and nonpayment as county taxes.

(g) If the special assessments collected under this section are insufficient to complete the watershed project, a supplemental special assessment shall be imposed in the same manner.

§25–804.

(a) As an alternative to raising funds as provided in § 25–803 of this subtitle, the board of directors may issue and sell bonds or notes as provided in this section for an amount not exceeding the total cost of the watershed project.

(b) (1) The board of directors shall give notice of a proposal to issue bonds or notes by:

(i) publication at least once each week for at least 3 weeks in a newspaper of general circulation in the county in which any part of the area affected by the watershed association is located;

(ii) posting a notice for at least 15 days at the door of the courthouse in the county in which any part of the area affected by the watershed association is located; and

(iii) posting a notice for at least 15 days at four public places in the area or vicinity of the area affected by the watershed association.

(2) The notice shall provide:

(i) the proposal to issue bonds or notes to pay for the cost of the watershed project;

(ii) the amount of bonds or notes to be issued;

(iii) the interest rate for the bonds or notes or the method of determining the interest; and

(iv) the date when the bonds or notes are payable.

(c) (1) Within 15 days after the publication or posting of the notice in subsection (b) of this section, a landowner may pay to the county tax collector the full amount for which the landowner is liable, as provided in the report of the board of viewers.

(2) If a landowner pays the full amount as provided in paragraph (1) of this subsection, the landowner is relieved from further liability for the particular watershed project.

(3) Before issuing any bonds or notes under this section, the board of directors shall deduct from the estimated amount of bonds or notes to be issued the amount paid in advance by a landowner and shall issue bonds or notes only in the decreased amount.

(4) Any amount paid in advance to the county tax collector shall be held in a separate fund to be added to the proceeds of the bonds or notes issued and to be spent to implement the plan of watershed projects.

(d) The board of directors shall:

(1) certify to the county commissioners, county council, or Mayor and City Council of Baltimore City the amount of bonds or notes to be issued; and

(2) submit an assessment list of all properties for which payments have not been made, showing for each landowner the full amount due, less interest, with the total amount for all landowners equaling the certified amount.

(e) (1) After the assessment list has been submitted as provided in subsection (d) of this section, the board of directors shall issue bonds or notes in the certified amount.

(2) All bonds or notes issued under this section:

(i) shall be sold under the serial maturity plan;

(ii) shall have a maturity date of 12 years or less from the date of issue;

(iii) may not be sold for a price less than par; and

(iv) may be sold at a public or private sale.

(3) Subject to paragraph (2) of this subsection, the board of directors may provide for the form, date, interest rate, and other details incident to the offering, sale, execution, and delivery of the bonds.

(4) Bonds issued under this section are exempt from §§ 19–205 and 19–206 of this article.

(f) (1) The board of directors shall pay the proceeds from the sale of bonds under this section to the county tax collector.

(2) The county tax collector shall:

(i) retain the proceeds in a special fund;

(ii) disburse the proceeds as authorized by the board of directors to carry out the plan of watershed projects; and

(iii) use any surplus to redeem bonds.

(g) (1) The board of directors shall certify to the county commissioners, county council, or Mayor and City Council of Baltimore City and to the county tax collector the total amount due each year for the redemption of the bonds or notes issued under this section, including all payments of principal and interest.

(2) Each year, the county tax collector shall compute the amount due from each landowner, based on the amounts shown in the watershed assessment list, so that the total amounts individually due in any year equal the aggregate sum required in that year to pay the principal of and interest on the bonds or notes.

(3) The county tax collector shall include in the regular tax bill for each taxable year the amounts computed under paragraph (2) of this subsection.

(4) The special assessments are:

(i) due and collectible at the same time and in the same manner as county taxes; and

(ii) subject to the same interest and penalties for late payment or nonpayment as county taxes.

(h) If the watershed work plan approved by the county commissioners, county council, or Mayor and City Council of Baltimore City provides for adopting any existing watershed project, the board of directors may:

(1) pay the amount necessary to acquire the existing watershed project from the proceeds of any bonds or notes issued under this section; or

(2) reimburse a landowner from the proceeds of any bonds or notes issued under this section for any amount spent by the landowner in the construction of the existing watershed project.

(i) (1) The county tax collector shall report to the board of directors at regular intervals on the amount collected as special assessments during each interval, including a list showing the amount received from each landowner.

(2) The board of directors shall order the amount collected as special assessments to be paid by the county tax collector for the principal of and interest on the bonds or notes issued.

(j) (1) If an installment of principal of or interest on the bonds or notes issued under this subtitle is not paid at the time and in the manner it is due and payable and the default continues for a period of 6 months, the holder of the bond or note in default shall have a right of action against the board of directors.

(2) The circuit court of the county may issue a writ of mandamus against

the board of directors that directs the imposition of a special assessment against landowners in default in an amount necessary to meet unpaid installments of principal and interest and the costs of the action.

(3) The board of directors shall certify the amount of the special assessment to the county tax collector who shall proceed immediately to collect the special assessment from the landowners in default according to the procedure provided in this subtitle.

(4) When the county tax collector collects the amounts certified under paragraph (3) of this subsection, the county tax collector, on order of the board of directors, shall pay the installments of principal and interest in default and the costs of the action.

(5) The official bonds of the county tax collector and any other officers shall be liable for the faithful performance of the duties assigned to the officers under this subtitle.

(6) The holder of any bond or note in default may bring suit against any officer on the official bond of the officer for failing to perform a duty required under this section.

(k) This title shall apply to watershed projects completed under this section as if completed with funds by assessments without issuing bonds or notes.

§25–805.

(a) (1) The board of directors shall impose an annual special assessment on the benefited land to provide a fund to maintain, repair, and operate a watershed project constructed under this title.

(2) The amount of the annual special assessment shall be equal to the estimated cost to operate and maintain the watershed project as determined by an annual inspection to be made at a time set by the board of directors, less any amount that may be received from any other source.

(b) If the funds received under subsection (a) of this section are inadequate to provide for the necessary maintenance, repair, or operation, a supplemental assessment may be imposed on the benefited land.

(c) The assessments under this section shall be imposed and disbursed in the same manner as provided for the special assessments under § 25–803 of this subtitle.

§25–806.

(a) The special assessments imposed under this subtitle shall remain in the county treasury until disbursed by the county tax collector on orders signed by the board of directors.

(b) For each watershed association in the county, the county tax collector shall keep a separate record that shows all income and expenses.

§25–807.

(a) If the land affected by the watershed association that is subject to assessment is located in two or more counties, the board of directors shall prepare a separate assessment list for each county.

(b) The board of directors shall send the assessment lists for each county to the designated officer for the county in which the watershed association was organized.

(c) (1) Except as provided in paragraph (2) of this subsection, the procedure for imposing special assessments under this section shall be as provided for in § 25–803 of this subtitle.

(2) The county commissioners, county council, or Mayor and City Council of Baltimore City in which the watershed association was organized shall certify the assessment lists for the other counties to the appropriate governing body.

(3) The county commissioners, county council, or Mayor and City Council of Baltimore City shall then certify the assessment lists to the respective county tax collectors for action as provided for in § 25–803 of this subtitle.

(d) All money collected in the several counties as provided under this section shall be paid over to the county tax collector of the county in which the watershed association was organized and credited to the watershed association.

§25–808.

(a) From the money that first becomes available under this title to the board of directors, the board of directors shall pay:

(1) the compensation and expenses of the board of viewers and the engineers;

(2) any damages awarded;

(3) any compensation awarded for existing watershed projects; and

(4) the expenses incident to the organization of the watershed association.

(b) (1) On request by the board of directors, the county commissioners, county council, or Mayor and City Council of Baltimore City may advance funds to pay the costs in subsection (a) of this section.

(2) An advance under paragraph (1) of this subsection shall be repaid from the money first received from special assessments imposed on the landowners for the

watershed project.

§25–809.

(a) This section applies to the following governmental entities:

(1) a county;

(2) a drainage district;

(3) a municipality;

(4) a public drainage association; or

(5) a soil conservation district.

(b) A governmental entity that may reasonably be expected to receive a benefit from the construction, improvement, operation, or maintenance of any watershed project under this subtitle may spend money to construct, improve, operate, or maintain the watershed project, even if the watershed project is not located in the area served by the governmental entity or in the State.

(c) (1) If the payment under subsection (b) of this section is not made directly by the governmental entity for a watershed project, the payment shall be made only through a soil conservation district or a watershed association organized under the laws of the State.

(2) It is not necessary that any part of the area served by the governmental entity be located in the soil conservation district or watershed association through which the payment is made.

(3) A governmental entity may provide in its budget money for watershed projects.

(4) A municipality or county may impose taxes for watershed projects in the manner provided by law.

§25–901.

(a) (1) A majority of the landowners or the owners of a majority of the land affected by a watershed association may submit a petition to dissolve the watershed association to the county commissioners, county council, or Mayor and City Council of Baltimore City in which the watershed association was organized.

(2) A complete list of the creditors of the watershed association certified under oath by the board of directors shall accompany the petition.

(b) On receipt of a petition under subsection (a) of this section, the county commissioners, county council, or Mayor and City Council of Baltimore City shall:

(1) set a date for a public hearing on the petition; and

(2) give notice of the time, place, and purpose of the hearing at least 30 days before the hearing by:

(i) notice mailed to each creditor of the watershed association and each landowner; and

(ii) publication in a newspaper of general circulation in each county affected by the watershed association.

(c) (1) The county commissioners, county council, or Mayor and City Council of Baltimore City may deny or approve a petition for dissolution after a public hearing under this section.

(2) On approval of a petition for dissolution, the county commissioners, county council, or Mayor and City Council of Baltimore City shall give notice of the dissolution in the same manner as required under subsection (b) of this section.

(d) After payment of all debts, any balance in the county treasury to the credit of the dissolved watershed association shall be distributed to the landowners in proportion to the original assessments.

§25–902.

(a) Notwithstanding § 25–901 of this subtitle, on a written petition for dissolution by any member of the most recently elected or appointed board of directors of a watershed association in Washington County considered inactive as provided in subsection (b) of this section, the County Commissioners of Washington County promptly shall:

(1) consider all available information to determine the current operating status and foreseeable operating potential of the watershed association; and

(2) approve or deny the petition for dissolution.

(b) For the purpose of this section, a watershed association in Washington County is considered inactive if for at least 5 years the watershed association has not complied substantially with a majority of the ordinary operating procedures required under this title, including:

(1) the maintenance of ongoing and current information in the watershed file at the office of the clerk of the county;

(2) election of a board of directors and officers of the board;

(3) an annual meeting of landowners in the area affected by the watershed association;

(4) the submission of an annual report by the board of directors to the clerk of the county;

(5) the development, approval, filing, execution, or maintenance of a work plan applicable to property owned by the watershed association; and

(6) the submission and regular updating of the watershed association's easement record in the office of the clerk of the circuit court in the applicable county.

(c) (1) This subsection applies only after the County Commissioners of Washington County approve a petition for dissolution under this section.

(2) If any balance remains in the county treasury to the credit of the dissolved watershed association, the county commissioners shall:

(i) satisfy all outstanding debts of the watershed association; and

(ii) retain any remaining balance.

(3) The county commissioners shall provide for the transfer of any interest in real property held by the watershed association to the county in which the property is located.

§25–1001.

(a) A person who is assessed for a ditch or drain that does not pass through or under the person's land may open a ditch or install drain tile through the intervening land to connect to the main ditch and keep the ditch or drain tile open at the person's expense and control.

(b) A person may not open a ditch or install drain tile under this section through the land of another person without the consent of the owner of the land.

§25–1002.

(a) If a watershed project established under this title crosses a public highway at the intersection of the highway with a natural watercourse or depression through which water flows during periods of high water, the county in which the bridge is located or the governmental unit required by law to maintain the highway that is intersected shall:

(1) pay the cost of an existing bridge, repairing or enlarging an existing bridge and culvert, or constructing a new bridge or culvert; and

(2) maintain the bridge or culvert described in item (1) of this subsection.

(b) If a watershed project established under this title crosses a public highway at a point where the highway does not intersect a natural watercourse or depression:

(1) the watershed association shall pay the cost of constructing a new bridge or culvert; and

(2) after construction, the county or other governmental unit required by law to maintain the highway that is intersected shall maintain the bridge and any culvert constructed.

§25–1003.

(a) If a channel established under this title crosses a railroad right–of–way at the intersection of the right–of–way with a natural watercourse or depression through which water flows at periods of high water, the railroad company shall:

(1) construct, build, and maintain any necessary new bridge or culvert; or

(2) enlarge, strengthen, reconstruct, or replace any existing bridge or culvert.

(b) The expense to build a railroad under subsection (a) of this section shall be:

(1) considered an element of damage to the railroad company by the board of viewers; and

(2) shown as a damage in the report of the board of viewers.

§25–1101.

(a) A person may not prevent a member of the board of directors or an employee or agent of the board of directors from entering land as authorized under § 25–401(c) of this title.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $50.

§25–1102.

(a) (1) Except as provided in paragraph (2) of this subsection, a person may not obstruct a watershed project constructed under this title in a manner that impedes the free flow of water.

(2) A person may place a properly constructed swinging water gate across a ditch on a fence line to prevent livestock from trespassing through the ditch.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $20 for each offense.

(c) Each fine collected under this section shall be paid to the county tax collector and credited to the watershed association that suffered the damage.

§26–101.

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

(b) "Board of managers" means the board of managers of a drainage association.

(c) "Board of viewers" means the board of drainage viewers established under this title.

(d) "Designated officer" means:

(1) the clerk of the county commissioners for a code county or commission county if there is a clerk for the county; or

(2) an employee or official of the county who is designated by the county commissioner or county council to perform the responsibilities of the designated officer under this title.

(e) "Drainage association" means a public drainage association established under this title.

(f) "Landowner" means a person who owns, or has contracted to purchase, land that is to be affected by a drainage project being considered by a drainage association or proposed drainage association.

§26–102.

This title does not apply to Baltimore City.

§26–103.

This title does not:

(1) restrict a charter county or code county from exercising a power granted under § 10–321 of this article; or

(2) authorize:

(i) the removal of a milldam;

(ii) the interference with legal water rights of a mill; or

(iii) the diversion of water in a manner that deprives an owner of land over which water flows of the benefits and water rights to which the owner of the land is legally entitled.

§26–104.

(a) The county commissioners or county council of a county may establish a

drainage association.

(b) A drainage association may:

(1) locate and establish a ditch, drain, or canal; and

(2) establish and maintain a watershed drainage system by constructing, straightening, widening, or deepening any ditch, drain, or watercourse.

§26–105.

A drainage project established and maintained by a drainage association benefits the public and promotes public health, safety, and welfare.

§26–106.

The county commissioners or county council shall notify the Secretary of Agriculture and the State Soil Conservation Committee in the Department of Agriculture of the establishment of a drainage association so that coordination and assistance may be provided in accordance with § 8–602 of the Agriculture Article.

§26–107.

If any owner of property affected by any proceedings under this title resides out of State, a written notice of the proceedings of the county commissioner or county council served on the tenant or agent of the owner at least 30 days before the proceedings shall be as good and sufficient as if the owner resided in the State.

§26–201.

A petition to establish a drainage association shall be filed with the designated officer of the county in which all or a part of the land to be affected by the proposed drainage association is located.

§26–202.

(a) The petition shall:

(1) clearly describe the area's location, boundaries, and need of drainage for optimal crop production;

(2) describe how draining or ditching the area or changing the natural watercourse benefits the public or promotes the public health, safety, or welfare; and

(3) request the establishment of a drainage association for the purposes listed in item (2) of this subsection.

(b) A petition is valid only if signed by at least one–third of the landowners or the owners of at least one–third of the land in a watershed.

§26–203.

(a) (1) The petition shall be accompanied by a report from the local soil conservation districts serving the area of the proposed drainage association.

(2) The report shall state:

(i) the size and location of the area of the proposed drainage association;

(ii) the nature of the problem to be addressed;

(iii) the type of treatment believed to be needed and the benefits anticipated;

(iv) whether the proposed drainage association is feasible and is generally supported by the landowners in the area;

(v) whether the proposed drainage association will benefit the public and promote the public health, safety, and welfare;

(vi) the name of the proposed drainage association, in the form of the "_____ Public Drainage Association"; and

(vii) the number of managers, equaling not less than three, to serve as the board of managers.

(b) The local soil conservation districts shall file with the report maps that show:

(1) a general delineation of the area of the proposed drainage association; and

(2) the area's location in each county in which it lies.

§26–204.

(a) (1) The county commissioners or county council shall examine the petition and report at the first meeting after receiving the petition and report.

(2) If the county commissioners or county council find the petition and report are not in proper form or not in compliance with the law, the petition and report shall be returned to the petitioners to be corrected and resubmitted.

(3) If the petition and report are in proper form and in compliance with the law, the county commissioners or county council shall set a date for a public hearing on the petition and report.

(b) (1) At least 10 days before the hearing, the county commissioners or county council shall:

(i) publish notice of the time and place of the hearing in a newspaper of general circulation in each county in the area in which the proposed drainage association would be located; and

(ii) send notice of the hearing and any later hearing to the:

1. Department of Agriculture; and

2. State Soil Conservation Committee in the Department of Agriculture.

(2) The notice of the hearing shall state that a copy of the report is available for inspection in the office of the designated officer.

(c) A copy of the report shall be available for inspection in the office of the designated officer.

§26–205.

If the land described in the petition is located in two or more counties, the county commissioners or county council of an affected county may exercise the jurisdiction conferred in this title, but the venue shall lie in the county in which the petition is filed.

§26–206.

(a) At the hearing on the petition and report, the petitioners, any affected local soil conservation district, and any other person may appear in person or by counsel and object to any part of the report.

(b) The county commissioners or county council may:

(1) disapprove the petition and report and return them to the petitioners for amendment in view of the objections presented; or

(2) approve the petition and report as submitted or amended.

§26–301.

(a) On approval of the petition and report filed under Subtitle 2 of this title, the county commissioners or county council shall:

(1) establish a drainage association that is composed of the landowners; and

(2) name the organization the "_____ Public Drainage Association".

(b) A drainage association created under this title is a political subdivision of the State and a body politic and corporate.

(c) A drainage association may:

(1) acquire, hold, and convey property;

(2) sue and be sued;

(3) adopt a seal; and

(4) exercise corporate powers.

§26–302.

(a) Within 30 days after the approval of the petition and report, the county commissioners or county council shall call a meeting of the landowners to elect a board of managers.

(b) (1) At least 10 days before the meeting, the county commissioners or county council shall post a notice of the meeting at four public places in the area or vicinity of the area of the drainage association.

(2) The notice shall state the time, place, and purpose of the meeting.

(c) (1) Each landowner is entitled to vote in the election of the board of managers until the board of viewers report is approved by the county commissioners or county council.

(2) When the report of the board of viewers is approved, each landowner is entitled to vote according to the special assessment on the landowner shown in the report as follows:

(i) for any special assessment not exceeding $15, one vote;

(ii) for any special assessment more than $15 and not exceeding $35, two votes;

(iii) for any special assessment more than $35 and not exceeding $60, three votes;

(iv) for any special assessment more than $60 and not exceeding $100, four votes;

(v) for any special assessment more than $100, one additional vote for each $50 in excess of $100, plus one additional vote for any remaining part less than $50.

(3) Any landowner may vote by written proxy signed by the landowner.

(d) A quorum consists of the number of landowners who are entitled to cast a majority of all the votes as provided in subsection (c) of this section.

(e) On proof that notice has been given as required in subsection (b) of this section, if a quorum is not obtained, the county commissioners or county council shall appoint the managers.

(f) The board of managers elected under subsection (a) of this section shall determine by a random drawing the managers who:

(1) serve until the date of the first regular annual meeting;

(2) serve until the date of the first regular annual meeting and for 1 year thereafter; or

(3) serve until the date of the first regular annual meeting and for 2 years thereafter.

§26–303.

(a) (1) The term of each manager is 3 years.

(2) Each manager shall serve until a successor is elected or appointed.

(b) (1) Each year, the landowners shall meet to elect a successor to:

(i) any manager whose term expired on or before the date of the meeting; and

(ii) any manager who died or resigned since the last annual meeting.

(2) A manager who is elected to fill a vacancy caused by death or resignation shall hold the office for the rest of the term.

(c) (1) The county commissioners or county council shall appoint an individual to fill a vacancy on the board of managers if:

(i) the board of managers does not call an annual meeting of landowners; or

(ii) the board of managers holds an annual meeting of landowners but a quorum is not present.

(2) The county commissioners or county council may appoint a manager to fill a vacancy on the board of managers until the next annual meeting of landowners.

§26–304.

The board of managers shall elect a chair and a secretary from among its members.

§26–305.

An officer or director of a drainage association shall have the immunity from liability described in § 5–508 of the Courts Article.

§26–306.

The county commissioners or county council shall:

(1) retain the original petition and report approved under § 26–206(b) of this title; and

(2) deliver a copy of the approved petition and report to the board of managers and the State Soil Conservation Committee in the Department of Agriculture.

§26–307.

(a) The designated officer shall maintain a drainage file.

(b) The drainage file shall contain the petitions, motions, orders, reports, and other exhibits necessary for a complete record of the establishment of each drainage association in the county.

§26–308.

(a) In January of each year, the board of managers shall call a meeting of the landowners.

(b) (1) At least 10 days before the meeting, the board of managers shall post a notice of the meeting at four public places in the vicinity of the drainage project.

(2) The notice shall state the time, place, and purpose of the meeting.

(c) At the meeting, the landowners shall:

(1) receive the annual report of the board of managers; and

(2) transact any other business that may properly come before the landowners.

§26–309.

(a) The board of managers may call a special meeting of landowners at any time.

(b) (1) At least 10 days before the meeting, the board of managers shall:

(i) post a notice of the meeting at four public places in the vicinity of the drainage project; and

(ii) mail a notice to:

1. each landowner;

2. the county commissioners or county council; and

3. the State Soil Conservation Committee in the Department of Agriculture.

(2) The notice shall state the time, place, and purpose of the meeting.

§26–401.

(a) The board of managers shall develop a plan for agricultural drainage and soil conservation to promote optimal crop production by establishing and maintaining drainage systems that promote public health, safety, and welfare.

(b) In developing the plan, the board of managers:

(1) shall engage the services of private engineers; or

(2) may use the services of planners and engineers of local, State, and federal units of government.

(c) A member or an agent of the board of managers or a member or an agent of the board of viewers:

(1) may enter any land to make surveys and examinations for developing a plan; and

(2) is liable for actual damage done to any land entered during a survey or examination.

§26–402.

The plan developed under § 26–401 of this subtitle shall include:

(1) the location of each proposed drainage project on a map, drawing, or aerial photograph;

(2) a general delineation of the boundaries of the area affected by the drainage association with the general location in the county affected;

(3) engineering plans in sufficient detail to describe the proposed project;

(4) a general delineation of the boundaries of each tract of land in the area affected by the drainage association, including an estimate of the acreage of each tract; and

(5) the total estimated construction cost of each proposed drainage project.

§26–403.

(a) On completion of the plan, or on the acceptance of a previously completed plan, the board of managers shall call a meeting of the landowners to vote on the adoption of the plan for submission to the county commissioners or county council.

(b) (1) At least 10 days before the meeting, the board of managers shall:

(i) post a notice of the meeting in four public places in the area or vicinity of the area of the drainage association; and

(ii) mail a notice to each landowner.

(2) The notice shall state the time, place, and purpose of the meeting.

(c) At the meeting required under subsection (a) of this section:

(1) each landowner is entitled to one vote; and

(2) any landowner may vote by proxy if the proxy is dated, signed by the individual entitled to vote, and witnessed by at least one individual.

(d) (1) The board of managers shall determine whether to submit the plan to the county commissioners or county council for review and approval.

(2) In making the determination, the board of managers shall consider:

(i) the vote of each landowner;

(ii) the probable apportionment of benefits to each landowner based on acreage;

(iii) the location of the drainage project; and

(iv) the extent of the benefits to the voter's land by the drainage project.

§26–404.

(a) (1) If the board of managers decides to submit the plan to the county commissioners or county council, the board of managers shall submit three copies of the plan.

(2) The county commissioners or county council shall forward a copy of the plan to the State Soil Conservation Committee in the Department of Agriculture.

(b) The board of managers shall include with the submission of the plan a

statement that the board of managers has determined that the drainage project:

(1) is feasible;

(2) will benefit the public and promote public health, safety, and welfare; and

(3) will produce sufficient benefits to warrant the expenditure.

§26–501.

(a) (1) On approval of a plan submitted in accordance with § 26–404 of this title, the county commissioners or county council shall appoint a board of viewers composed of at least three impartial individuals who reside in the vicinity of the area of the drainage association.

(2) A member of the board of viewers may not be a landowner.

(b) If a drainage project described in a plan is located in more than one county, at least one member of the board of viewers shall be from each county in which the drainage project is located.

(c) An individual who is appointed as a member of a board of viewers may not act in that capacity until the individual provides written notice of acceptance of the appointment to the county commissioners or county council.

(d) (1) If any member of the board of viewers dies, moves from a county in which the area of the drainage association is located, or otherwise is unable to act, the county commissioners or county council shall appoint a replacement as soon as feasible.

(2) The appointment of a replacement does not affect the validity of any work of the board of viewers.

(e) Each member of a board of viewers and the engineer is entitled to receive compensation for each day spent on duties as agreed by the county commissioners or county council and the members and engineer appointed under § 26–503 of this subtitle.

§26–502.

At least 10 days before proceeding with its duties, the board of viewers shall:

(1) post a notice of its intention to proceed at four public places in the area described in the petition;

(2) publish a notice in a newspaper of general circulation published in each county in which the lands to be viewed are located; and

(3) send a copy of the notice to the county commissioners or county council, the Secretary of Agriculture, and the State Soil Conservation Committee in

the Department of Agriculture.

§26–503.

(a) On receipt of a copy of the plan from the county commissioners or county council, a board of viewers shall:

(1) (i) engage the services of a private engineer; or

(ii) use the services of an engineer of a local, State, or federal unit of government;

(2) enter and view, with the individuals described in item (1) of this subsection, the land described in the petition;

(3) make careful and thorough examination of the land described in the petition and of other land if necessary to locate properly the project that is the subject of the petition;

(4) include in the area of the proposed drainage association all land that would be benefited and exclude any land described in the petition that it determines would not be benefited by the proposed improvement;

(5) conduct surveys to determine the boundaries and elevations of the area and to develop a plan for the project; and

(6) lay out on the ground a plainly and substantially marked line of each ditch or drain or other improvement that it considers necessary.

(b) A board of viewers shall consider as damages, without regard to any benefit that would result from the proposed drainage project:

(1) the value of land taken for construction of the proposed drainage project;

(2) inconvenience imposed by the construction of the proposed drainage project; and

(3) other lawfully compensable damages.

§26–504.

(a) A board of viewers:

(1) shall determine the amount sufficient to pay:

(i) the cost of constructing or improving a proposed drainage project;

(ii) any damages awarded;

(iii) any compensation for an existing drainage project that the board of viewers adopts in accordance with § 26–505 of this subtitle;

(iv) the expenses of the board of viewers; and

(v) the costs of establishing the drainage association;

(2) shall subtract from the amount determined under item (1) of this subsection any amounts received from the county commissioners or county council or any other source; and

(3) shall assess each landowner, including the State or a political subdivision of the State, that will derive a benefit from the proposed drainage project a proportion of the amount described in item (2) of this subsection, based on the benefits that would accrue to the tract of land from the drainage project.

(b) Notwithstanding any other law, the county commissioners or county council may:

(1) contribute toward the costs of a drainage project authorized under this title from general funds of the county; or

(2) allocate toward the costs of any drainage project any other money that is available for the drainage project.

§26–505.

(a) A board of viewers may adopt an existing drainage project as a whole drainage project or as a part of a drainage project, under this title.

(b) If an existing drainage project is adopted by the board of viewers, it shall pay fair compensation to each landowner for the value of work already done on the drainage project.

§26–506.

(a) At the request of the board of managers, the county commissioners or county council shall appoint a board of viewers to determine if the original determination as to which lands have benefited from the improvements has changed.

(b) The board of viewers appointed under this section shall have the same qualifications, rights, powers, privileges, and duties as the original board of viewers.

(c) (1) The board of viewers shall report its findings to the county commissioners or county council.

(2) The county commissioners or county council shall consider the report in the same manner as the original report, and the report shall be subject to a public

hearing and the right to judicial review as provided under § 26–513 of this subtitle.

(d) Any revision in the original determination as to which lands benefit from the drainage project shall become the basis for all future assessments for paying for the drainage project, including related expenses such as damages and the maintenance of the drainage project.

(e) Notwithstanding the requirements of this section, the board of managers, at any time after the creation of a drainage association, may determine which land in the association is classified as woodland, cropland, commercial, industrial, or residential.

§26–507.

(a) At the earliest feasible date, the board of viewers shall submit three copies of a written report to the county commissioners or county council and to the State Soil Conservation Committee in the Department of Agriculture.

(b) The report shall state:

(1) whether the proposed drainage project:

(i) is feasible;

(ii) will benefit the public or promote the public health, safety, or welfare; and

(iii) will benefit the land to be affected by the drainage project sufficiently to warrant the probable expenditure;

(2) the name of each person entitled to damages and the amount of the damages;

(3) the name of each person entitled to compensation for a drainage project adopted under § 26–505 of this subtitle and the amount of the compensation;

(4) the amount determined under § 26–504(a)(1) of this subtitle; and

(5) the amount for which each landowner shall be assessed as a share of the total cost of the drainage project and its proportion of the whole.

(c) The board of viewers shall file with the report three copies of maps and profiles that show:

(1) the location of the proposed drainage project on a map, drawing, or aerial photograph to a suitable scale;

(2) a general delineation of the boundary of the area affected, with the general location in the county indicated;

(3) a general delineation of the boundaries of each landowner's tract, with an estimate of the acreage that each tract contains; and

(4) the dimensions and profiles of the proposed drainage project.

§26–508.

(a) (1) The county commissioners or county council shall examine a report submitted by a board of viewers under § 26–507 of this subtitle at the first meeting after receiving the report.

(2) If the county commissioners or county council find that a report under § 26–507 of this subtitle is not in proper form or not in compliance with the law, the report shall be returned to the board of viewers to be corrected and resubmitted.

(3) If the county commissioners or county council find that a report under § 26–507 of this subtitle is in proper form and in compliance with the law, the county commissioners or county council shall set a date for a public hearing on the report.

(b) (1) At least 30 days before a hearing under this section, the county commissioners or county council shall:

(i) publish notice of the time and place of the hearing in a newspaper of general circulation in each county in which the land affected is located; and

(ii) mail a notice to each person named in the report.

(2) Notice of the hearing shall state that a copy of the report is available for inspection in an office of the designated officer.

(c) A copy of the report of the board of viewers shall be:

(1) available for inspection in an office of the designated officer; and

(2) sent to the Secretary of Agriculture and the State Soil Conservation Committee in the Department of Agriculture.

§26–509.

(a) At a hearing under § 26–508 of this subtitle:

(1) the board of viewers and engineers shall be present; and

(2) any person may appear in person or by counsel and object to any part of the report.

(b) The county commissioners or county council shall consider carefully each objection presented under subsection (a) of this section.

(c) If possible at the hearing, the board of viewers may make changes to the report necessary to treat each concerned person equitably.

(d) The county commissioners or county council may:

(1) disapprove the report;

(2) return the report to the board of viewers for amendment or reconsideration in view of an objection presented; or

(3) approve the report as submitted or as amended.

(e) On approval of the report by the county commissioners or county council, the board of managers may install, operate, and maintain the drainage project described in the report.

§26–510.

(a) If a report is disapproved, the county commissioners or county council shall pay the expenses properly incurred in making the survey and report and in publishing notices.

(b) To reimburse the county for the expenses described in subsection (a) of this section, the county commissioners or county council may impose a special assessment in equal amounts on the property of the landowners who signed the petition filed under Subtitle 2 of this title.

§26–511.

(a) The county commissioners or county council or circuit court for the county in which proceedings are pending may, on application of any party and at any time before a final decision is made, grant leave to the party to amend the petition or any part of the proceedings that may be defective or informal to bring the merits of the case before the county commissioners or county council for a decision or before a jury of the circuit court for trial.

(b) The county commissioners or county council or circuit court for the county may award costs.

§26–512.

(a) A person who may be adversely affected by the making of any ditch or drain or who may be assessed for any part of the costs of a ditch or drain may apply for an order of review to the county commissioners or county council at any time before the approval of the report.

(b) The county commissioners or county council may grant an order of review and appoint another board of viewers to redo the work done by the original board of

viewers.

§26–513.

(a) A person who is aggrieved by a determination of the county commissioners or county council or by any proceedings under this title relating to drains may appeal to the circuit court of the county in which the determination was made or proceedings were conducted.

(b) Either party may elect a trial by jury and the judgment in the trial shall be final between the parties.

§26–601.

(a) The board of managers may acquire any right–of–way and easement necessary to construct and maintain the drainage projects or dispose of excavated material according to an approved operation and maintenance plan.

(b) (1) The board of managers of each drainage association shall submit to the clerk of the circuit court in the appropriate county a book, to be known as the "easement record", that contains each easement for maintenance or right–of–way, according to the original design specifications or for not less than 20 feet, that the drainage association has in the county.

(2) A drainage association shall keep the easement record current.

(3) The clerk of a circuit court shall make an easement record available for inspection by the public.

§26–602.

If a landowner refuses to accept the damages awarded to the landowner by the board of viewers and approved by the county commissioners or county council and refuses the necessary access to the landowner's land, the board of managers may begin condemnation proceedings under Title 12 of the Real Property Article to acquire a right–of–way.

§26–701.

(a) The board of managers shall implement the drainage project.

(b) The board of managers may:

(1) hire employees;

(2) buy, hire, or rent machines, and buy explosives;

(3) award contracts;

(4) enter into an agreement with any county, State, or federal unit of government; and

(5) do other acts as necessary, including borrowing money, in the name of the board of managers, if the borrowing is approved by the county commissioners or county council.

(c) The county tax collector shall make payment on behalf of the drainage association as directed by the board of managers.

(d) The board of managers shall:

(1) keep a regular account of its income and expenses; and

(2) report its income and expenses to the annual meetings of the drainage association and meetings of the landowners.

§26–702.

(a) The board of managers shall control and supervise each drainage project under this title.

(b) The board of managers shall keep each drainage project in good repair in accordance with an approved operation and maintenance plan.

§26–801.

(a) A special assessment imposed under this title shall be imposed on the lands benefited by a drainage project.

(b) If a tract of land subject to a special assessment under this title is divided, the board of managers shall determine the ratio in which any later special assessment is to be imposed on each subdivided tract of land based on the proportion of the benefit to each tract.

§26–802.

(a) The board of managers shall determine the amount of money to be raised to implement an approved drainage project.

(b) The board of managers shall prepare an assessment list that shows the amount due from each landowner subject to the special assessment.

(c) The special assessments imposed on each tract of land shall be proportional to the total assessments.

(d) The assessment list required under subsection (b) of this section shall be:

(1) signed by the board of managers; and

(2) sent to the designated officer.

(e) (1) The designated officer shall certify the conformance of the assessment list with this section.

(2) After receiving the certification of the assessment list, the county commissioners or county council shall certify the assessment list to the county tax collector.

(f) (1) The county tax collector shall include the special assessments imposed under this section in the next bills for county taxes.

(2) The special assessments are:

(i) due and collectible at the same time and in the same manner as county taxes; and

(ii) subject to the same interest and penalties for late payment and nonpayment as county taxes.

(g) If the special assessments collected under this section are insufficient to complete the drainage project, a supplemental special assessment shall be imposed in the same manner.

§26–803.

(a) As an alternative to raising funds as provided in § 26–802 of this subtitle, the board of managers may issue and sell bonds or notes as provided in this section for an amount not exceeding the total cost of the drainage project.

(b) (1) The board of managers shall give notice of a proposal to issue bonds or notes by:

(i) publication at least once a week for at least 3 weeks in a newspaper of general circulation in the county in which any of the area of the drainage association is located;

(ii) posting a notice at the door of the courthouse in the county in which any of the area of the drainage association is located; and

(iii) posting a notice at five conspicuous places in the area or vicinity of the area of the drainage association.

(2) The notice shall provide:

(i) the proposal to issue bonds or notes to pay for the cost of the drainage project;

(ii) the amount of bonds or notes to be issued;

(iii) the interest rate for the bonds or notes or the method of determining the interest; and

(iv) the date when the bonds or notes are payable.

(c) (1) Within 15 days after the publication or posting of the notice in subsection (b) of this section, a landowner may pay to the county tax collector the full amount for which the landowner is liable, as provided in the report of the board of viewers.

(2) If a landowner pays the full amount as provided in paragraph (1) of this subsection, the landowner is relieved from further liability for the particular drainage project.

(3) Before issuing any bonds or notes under this section, the board of managers shall deduct from the estimated amount of bonds or notes to be issued the amount paid in advance by a landowner and shall issue bonds or notes only in the decreased amount.

(4) Any amount paid in advance to the county tax collector shall be held in a separate fund to be added to the proceeds of the bonds or notes issued and to be spent to implement the plan of drainage projects.

(d) The board of managers shall:

(1) certify to the county commissioners or county council the amount of bonds or notes to be issued; and

(2) submit an assessment list of all properties for which payments have not been made, showing for each landowner the full amount due, less interest, with the total amount for all landowners equaling the certified amount.

(e) (1) After the assessment list has been submitted as provided in subsection (d) of this section, the board of managers shall issue bonds or notes in the certified amount.

(2) All bonds or notes issued under this section:

(i) shall be sold under the serial maturity plan;

(ii) shall have a maturity date of 12 years or less from the date of issue;

(iii) may not be sold for a price less than par; and

(iv) may be sold at a public or private sale.

(3) Subject to paragraph (2) of this subsection, the board of managers may

provide for the form, date, interest rate, and other details incident to the offering, sale, execution, and delivery of the bonds.

(4) Bonds issued under this section are exempt from §§ 19–205 and 19–206 of this article.

(f) (1) The board of managers shall pay the proceeds from the sale of bonds under this section to the county tax collector.

(2) The county tax collector shall:

(i) retain the proceeds in a special fund;

(ii) disburse the proceeds only as authorized by the board of managers to carry out the plan of drainage projects; and

(iii) use any surplus to redeem bonds.

(g) (1) The board of managers shall certify to the county commissioners or county council and to the county tax collector the total amount due each year for the redemption of the bonds or notes issued under this section, including all payments of principal and interest.

(2) Each year, the county tax collector shall compute the amount due from each landowner, based on the amounts shown in the drainage assessment list, so that the total amounts individually due in any year equal the aggregate sum required in that year to pay the principal of and interest on the bonds or notes.

(3) The county tax collector shall include in the regular tax bill for each taxable year the amounts computed under paragraph (2) of this subsection.

(4) The special assessments are:

(i) due and collectible at the same time and in the same manner as county taxes; and

(ii) subject to the same interest and penalties for late payment or nonpayment as county taxes.

(h) If the drainage work plan approved by the county commissioners or county council provides for adopting any existing drainage project, the board of managers may:

(1) pay the amount necessary to acquire the existing drainage project from the proceeds of any bonds or notes issued under this section; or

(2) reimburse a landowner from the proceeds of any bonds or notes issued under this section for any amount spent by the landowner in the construction of the existing drainage project.

(i) (1) The county tax collector shall report to the board of managers at regular intervals on the amount collected as special assessments during each interval, including a list showing the amount received from each landowner.

(2) The board of managers shall order the amount collected as special assessments to be paid by the county tax collector for the principal of and interest on the bonds or notes issued.

(j) (1) If an installment of principal of or interest on the bonds or notes issued under this subtitle is not paid at the time and in the manner it is due and payable and the default continues for a period of 6 months, the holder of the bond or note in default shall have a right of action against the board of managers.

(2) The circuit court of the county may issue a writ of mandamus against the board of managers that directs the imposition of a special assessment against landowners in default in an amount necessary to meet unpaid installments of principal and interest and the costs of the action.

(3) The board of managers shall certify the amounts of the special assessment to the county tax collector who shall proceed immediately to collect the special assessment from the landowners in default according to the procedure provided in this subtitle.

(4) When the county tax collector collects the amounts certified under paragraph (3) of this subsection, the county tax collector, on order of the board of managers, shall pay the installments of principal and interest in default and the costs of the action.

(5) The official bonds of the county tax collector and any other officers shall be liable for the faithful performance of the duties assigned to the officers under this subtitle.

(6) The holder of any bond or note in default may bring suit against any officer on the official bond of the officer for failing to perform a duty required under this section.

(k) This title shall apply to drainage projects completed under this section as if completed with funds by assessments without issuing bonds or notes.

§26–804.

(a) (1) The board of managers may impose a special assessment on the public and private benefited land for maintenance of a drainage project constructed under this title.

(2) If the board of managers requests, the county commissioners or county council may appoint a board of viewers to evaluate changes in land use made after the original determination for a drainage project.

(3) The board of managers may use the evaluation report as a basis to impose a special assessment for maintenance of a drainage project.

(b) The special assessments under this section shall be imposed and disbursed in the same manner as provided for other special assessments under this subtitle, except that the board of managers may, at any time, determine which land is classified as woodland, cropland, commercial, industrial, or residential.

§26–805.

(a) The special assessments imposed under this subtitle shall remain in the county treasury until disbursed by the county tax collector on orders signed by the board of managers.

(b) (1) Except as provided in paragraph (2) of this subsection, the county tax collector shall be entitled to retain 3% of the drainage special assessments collected under this subtitle as compensation.

(2) In Caroline County, the county tax collector shall deposit all fees collected into the general fund of Caroline County.

(c) For each drainage association in the county, the county tax collector shall keep a separate record that shows all income and expenses.

§26–806.

(a) If the lands of the drainage association that are subject to assessment are located in two or more counties, the board of managers shall prepare a separate assessment list for each county.

(b) The board of managers shall send the assessment list for each county to the designated officer for the county in which the drainage association was organized.

(c) (1) Except as provided in paragraph (2) of this subsection, the procedure to impose a special assessment under this section shall be as provided under § 26–802 of this subtitle.

(2) (i) The county commissioners or county council of the county in which the drainage association was organized shall certify the assessment lists for the other counties to the appropriate county commissioners or county council.

(ii) The county commissioners or county council shall then certify the tax assessment lists to the respective county tax collectors for action as provided under § 26–802 of this subtitle.

(d) All money collected in the several counties as provided under this section shall be paid over to the county tax collector of the county in which the drainage association was organized and credited to the drainage association.

§26–807.

(a) From the money that first becomes available under this title to the board of managers, the board of managers shall pay:

(1) the compensation and expenses of the board of viewers and the engineers;

(2) any damages awarded;

(3) any compensation awarded for existing drainage projects; and

(4) the expenses incident to the organization of the drainage association.

(b) (1) On request by the board of managers, the county commissioners or county council may advance funds to pay the costs in subsection (a) of this section.

(2) An advance under paragraph (1) of this subsection shall be repaid from the money first received to pay special assessments imposed on the landowners for the drainage project.

§26–901.

(a) (1) A majority of the landowners or the owners of a majority of the land in the area of a drainage association may submit a petition to dissolve the drainage association to the county commissioners or county council of the county in which the drainage association was organized.

(2) A complete list of the creditors of the drainage association certified under oath by the board of managers shall accompany the petition.

(b) On receipt of a petition under subsection (a) of this section, the county commissioners or county council shall:

(1) set a date for a public hearing on the petition; and

(2) give notice of the time, place, and purpose of the hearing at least 30 days before the hearing by:

(i) notice mailed to each creditor of the drainage association and each landowner; and

(ii) publication in a newspaper of general circulation in each county affected by the drainage association.

(c) (1) The county commissioners or county council may deny or approve a petition for dissolution after a public hearing under this section.

(2) On approval of a petition for dissolution, the county commissioners or

county council shall give notice of the dissolution in the same manner as required under subsection (b) of this section.

(d) After payment of all debts, any balance in the county treasury to the credit of the dissolved drainage association shall be distributed to the landowners in proportion to the original assessments.

§26–902.

(a) For the purpose of this section, a drainage association is considered inactive if for at least 5 years the drainage association has not complied substantially with a majority of the ordinary operating procedures required under this title, including:

(1) the maintenance of ongoing and current information in the drainage file at the office of the designated officer;

(2) election of a board of managers and officers of the board;

(3) an annual meeting of landowners;

(4) the submission of an annual report by the board of managers to the designated officer;

(5) the development, approval, filing, execution, or maintenance of a work plan applicable to property owned by the drainage association; and

(6) the submission and regular updating of the drainage association's easement record in the office of the clerk of the circuit court in the applicable county.

(b) Notwithstanding § 26–901 of this subtitle, on a written petition for dissolution by any member of the most recently elected or appointed board of managers of an inactive drainage association, the county commissioners or county council of the county in which the drainage association was organized promptly shall:

(1) provide public notice that the county commissioners or county council has received and is considering a petition for dissolution of a drainage association;

(2) hold a public hearing to accept public comment before taking any action on the petition;

(3) consider all available information to determine the current operating status and foreseeable operating potential of the drainage association; and

(4) approve or deny the petition for dissolution.

(c) If the county commissioners or county council approve a petition for dissolution under this section, the county commissioners or county council shall:

(1) satisfy all outstanding debts of the drainage association if any balance

remains in the county treasury to the credit of the dissolved drainage association;

(2) retain any remaining balance; and

(3) provide for the transfer of any interest in real property held by the inactive drainage association to any county in which the property is located.

§26–1001.

(a) A person who is assessed for a ditch or drain that does not pass through or on the person's land may open a ditch or install drain tile through the intervening land to connect to the main ditch and keep the ditch or drain tile open at the person's expense and control.

(b) A person may not open a ditch or install drain tile through the land of another person without the consent of the owner of the land, unless the damages to the land accruing to the owner of the land are assessed by three owners of land appointed by the county commissioners or county council to assess the damages.

(c) A person seeking to open a ditch or install drain tile under this section shall:

(1) pay the costs of laying out and opening the ditch or drain; and

(2) pay all damages awarded to any person who is injured by the ditch or drain before making the ditch or drain.

§26–1002.

(a) If a drainage project established under this title crosses a public highway at the intersection of the highway with a natural watercourse or depression through which water flows during periods of high water, the county in which the bridge is located or the governmental unit required by law to maintain the highway that is intersected shall:

(1) pay the cost of an existing bridge, repairing or enlarging an existing bridge and culvert, or constructing a new bridge or culvert; and

(2) maintain the bridge or culvert described in item (1) of this subsection.

(b) If a drainage project established under this title crosses a public highway at a point where the highway does not intersect a natural watercourse or depression:

(1) the drainage association shall pay the cost of constructing a new bridge or culvert; and

(2) after construction, the county or other governmental unit required by law to maintain the highway that is intersected shall maintain the bridge and any culvert constructed.

§26–1003.

(a) If a drainage project established under this title crosses a railroad right–of–way at the intersection of the right–of–way with a natural watercourse or depression through which water flows at periods of high water, the railroad company shall:

(1) construct, build, and maintain any necessary new bridge or culvert; or

(2) enlarge, strengthen, reconstruct, or replace any existing bridge or culvert.

(b) The expense to the railroad under subsection (a) of this section shall be:

(1) considered an element of damage to the railroad company by the board of viewers; and

(2) shown as a damage in the report of the board of viewers.

§26–1101.

(a) A person may not prevent a member, an employee, or an agent of the board of managers or a member or an agent of the board of viewers from entering land as authorized under § 26–401(c) of this title.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500.

§26–1102.

(a) (1) Except as provided in paragraph (2) of this subsection, a person may not obstruct a drainage project constructed under this title in a manner that impedes the free flow of water.

(2) A person may place a properly constructed swinging water gate across a ditch on a fence line to prevent livestock from trespassing through the ditch.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding $500 for each offense.

(c) Each fine collected under this section shall be paid to the county tax collector and credited to the drainage association that suffered the damage.

§27–101.

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

(b) "Board of drainage commissioners" means the board of drainage commissioners of a drainage district.

(c) "Board of viewers" means the board of viewers of a drainage district established under this title.

(d) "Designated officer" means:

(1) the clerk of the county commissioners for a code county or commission county if there is a clerk for the county; or

(2) an employee or official of a county who is designated by the county commissioners or county council to perform the responsibilities of the designated officer under this title.

(e) "Drainage district" means a drainage district established under this title.

(f) "Landowner" means a person who owns land located in a drainage district or proposed drainage district.

§27–102.

This title does not apply to Baltimore City.

§27–103.

This title shall be liberally construed to promote the ditching, draining, leveeing, and reclaiming of wet and overflowed land that can be made available for agriculture.

§27–104.

In response to a petition filed under § 27–201 of this title, the county commissioners or a county council of a county may establish a drainage district to:

(1) locate and establish a levee, drain, or canal;

(2) construct, straighten, widen, or deepen a ditch, drain, or watercourse; and

(3) construct levees, embankments, tidewater gates, and pumping plants to drain and reclaim wet, swamp, or overflowed land.

§27–105.

The drainage of swamps, the drainage of the surface water from agricultural land, and the reclamation of tidal marshes benefit the public and promote public health, safety, and welfare.

§27–201.

A petition to establish a drainage district shall be filed with the designated officer where all or a part of the land is located.

§27–202.

(a) A petition shall:

(1) state that a specific area of land is subject to overflow or is too wet for cultivation;

(2) describe the area's location;

(3) describe how draining, ditching, or leveeing the area, changing the natural watercourse, or other drainage projects benefit the public or promote the public health, safety, or welfare; and

(4) specify, to the extent practicable, the starting point, route, and terminus and any lateral branches of the proposed drainage project.

(b) A petition is valid only if signed by the majority of the resident landowners in the proposed drainage district or the owners of three–fifths of the land that will be affected by or assessed to finance the proposed drainage project.

§27–203.

(a) A bond shall be filed with a petition.

(b) The bond shall be:

(1) in the amount of $50 per mile of ditch or other proposed drainage project;

(2) signed by two or more individual sureties or a licensed surety company;

(3) approved by the county commissioners or county council; and

(4) conditioned on payment of all costs and expenses of the proceedings if the county commissioners or county council do not grant the petition.

§27–204.

(a) Each landowner who has not signed the petition is a respondent.

(b) (1) The designated officer shall issue a summons to be served on each respondent.

(2) A summons may be served by publication as to any respondent who cannot be served as provided by law.

(c) (1) If a mortgage is held on land in the proposed drainage district, notice of the proceedings shall be given to the holder of the mortgage in the same manner as to a respondent.

(2) A mortgage holder may appear before the county commissioners or county council in person or by counsel.

§27–205.

If the land described in the petition is located in two or more counties, the county commissioners or county council of an affected county may exercise the jurisdiction conferred in this title, but the venue shall lie in the county in which the petition is filed.

§27–301.

(a) The county commissioners or county council shall appoint a board of viewers to:

(1) examine the land described in the petition; and

(2) issue a preliminary report on the land.

(b) (1) The board of viewers shall consist of:

(i) a civil and drainage engineer; and

(ii) two resident landowners of the county where the land is located.

(2) (i) The civil and drainage engineer shall be an individual recommended by the State drainage engineer.

(ii) If there is no State drainage engineer, the civil and drainage engineer shall be an individual recommended by the State roads engineer.

§27–302.

(a) The board of viewers:

(1) shall make a careful and thorough examination of the land described in the petition and of other land if necessary, to locate properly any improvement that is petitioned for, along the route described in the petition or any other route that is more practicable or feasible;

(2) shall ensure that the land of any person who is seeking to be included in the drainage district has been included in the drainage district; and

(3) may conduct surveys to:

(i) determine the boundaries and elevations of the parts of the district; and

(ii) enable the board of viewers to form a tentative plan for

development.

(b) (1) The board of viewers shall make and return to the designated officer a written report that states whether:

(i) the proposed drainage is practicable;

(ii) the proposed drainage will benefit the public health or any public highway or be conducive to the general welfare of the community;

(iii) the proposed drainage project will benefit the land in question sufficiently to warrant the probable expenditure; and

(iv) all the land that will be benefited is included in the proposed drainage district.

(2) The report shall be available for inspection in an office of the designated officer within 30 days after the date on which the designated officer receives the report, unless the county commissioners or county council extend the time period for providing the report.

(c) The report shall include a map of the proposed drainage district that:

(1) shows the location of the ditch or other improvement to be constructed with an estimate of the cost of the improvement;

(2) shows the land that will be affected by the improvement, including the name of each landowner, if the name of the landowner can be obtained; and

(3) provides any other information collected by the board of viewers that supports the board's findings.

§27–303.

(a) (1) The county commissioners or county council shall review the report required under § 27–302 of this subtitle at its first meeting after receiving the report.

(2) The board of viewers shall be present at the meeting.

(b) The county commissioners or county council shall dismiss a petition filed under § 27–201 of this title at the cost of the petitioners if:

(1) the board of viewers finds that the drainage:

(i) is not practicable;

(ii) will not benefit the public health or any public highway; or

(iii) does not promote the general welfare of the community; and

(2) the county commissioners or county council approve the finding.

(c) If the finding of the board of viewers is favorable to the drainage project and the county commissioners or county council support the finding after hearing all of the evidence, the county commissioners or county council shall:

(1) make any necessary recommendations to the board of viewers;

(2) direct the board of viewers to make a complete survey, plans and specifications, and an estimate of cost for any tile, drain, levee, or other improvement; and

(3) specify a time when the board of viewers shall file a final report, not to exceed 60 days, unless extended by the county commissioners or county council in writing.

§27–304.

(a) The board of viewers may employ assistants to make a complete survey of the drainage district.

(b) (1) The board of viewers shall:

(i) enter the land subject to the petition;

(ii) survey the main drain and any lateral drain;

(iii) mark on the ground the line of each ditch, drain, or levee;

(iv) note the course and distance of each ditch so that each ditch can be accurately platted and mapped;

(v) run a line of levels for the entire work and secure sufficient data from which accurate profiles and plans can be made for each proposed drain or levee;

(vi) establish frequent bench marks along the line on permanent objects and record the elevation and provide a full description of the bench marks in the field books, including the location of the bench marks on a map;

(vii) run other levels to determine the fall from one part of the drainage district to another, if the board of viewers finds it expedient; and

(viii) if a watercourse, ditch, or channel is being widened, deepened, or straightened, cross–section the watercourse, ditch, or channel to compute the cubic yards of excavation or fill saved by using the watercourse, ditch, or channel.

(2) (i) After completing the survey, the board of viewers shall complete a drainage map of the district showing:

1. the location of the ditch and other improvements;

2. the boundary, as closely as may be determined by the records, of the land owned by any individual landowner; and

3. the location of any railroad or public highway and the boundary of any municipality.

(ii) In addition to the map, the board of viewers shall prepare a profile of each levee, drain, or watercourse showing:

1. the surface of the ground;

2. the bottom or grade of the proposed improvement and the number of cubic yards of excavation or fill in each mile or fraction of a mile;

3. the total yards in the proposed improvement and the number of cubic yards of excavation or fill in each mile or fraction of a mile;

4. the total yards in the proposed improvement and the estimated cost of the improvement; and

5. plans and specifications and the cost of any other necessary work.

§27–305.

(a) The board of viewers shall assess the damages claimed by any person that is entitled to damages for land taken or for inconvenience caused by the construction of the improvement and the establishment of the drainage district or for any other legal damages sustained.

(b) The damages assessed under this section shall be:

(1) considered apart from any benefit the land would receive because of the proposed improvement; and

(2) paid by the board of drainage commissioners when funds are available as provided in § 27–502 of this title.

§27–306.

(a) (1) The board of viewers shall examine the land in the drainage district and classify the land with reference to the benefit that the land will receive from the construction of the levee, ditch, drain, watercourse, or other improvement.

(2) If drainage is proposed, the board of viewers shall consider the degree of wetness of the land, the proximity of the land to the ditch or a natural outlet, and the fertility of the soil in determining the amount of benefit that the land will receive

by the construction of the ditch.

(b) The land benefited shall be separated into five classes in the following manner:

(1) the land receiving the highest benefit shall be marked "Class A";

(2) the land receiving the second highest benefit shall be marked "Class B";

(3) the land receiving the third highest benefit shall be marked "Class C";

(4) the land receiving the fourth highest benefit shall be marked "Class D"; and

(5) the land receiving the smallest benefit shall be marked "Class E".

(c) (1) The board of viewers shall determine:

(i) the number of acres in the drainage district in each class listed in subsection (b) of this section;

(ii) the total number of acres owned by one person in each class; and

(iii) the total number of acres benefited.

(2) The holdings of an individual landowner need not be all in one class.

(3) The board of viewers need not mark the boundary on the ground or show on a map the number of acres in each class.

(d) The board of viewers shall determine the total number of acres of each class listed in subsection (b) of this section in the entire drainage district and present the information in tabulated form.

(e) The scale of assessment on the classes of land determined by the board of viewers shall be in the ratio of five, four, three, two, and one in accordance with the following example, if five mills per acre is assessed against the land in "Class A":

(1) four mills per acre shall be assessed against the land in "Class B";

(2) three mills per acre shall be assessed against the land in "Class C";

(3) two mills per acre shall be assessed against the land in "Class D"; and

(4) one mill per acre shall be assessed against the land in "Class E".

(f) (1) Except as provided in paragraph (2) of this subsection, the scale of assessment shall form the basis of:

(i) the assessment of benefits to the land for drainage purposes; and

(ii) any future assessment, tax, or cost connected with the drainage district.

(2) The scale of assessment may be modified by order of the county commissioners or county council at the final hearing or a court.

§27–307.

The board of viewers shall report to the county commissioners or county council:

(1) the name of any person employed to conduct the survey required under § 27–302 of this subtitle;

(2) the number of days the person was employed on the survey;

(3) a description of the work performed by the person;

(4) any expenses incurred by the person in traveling to and from the work; and

(5) the cost of any supplies or material used in conducting the survey.

§27–308.

(a) When the final report is complete:

(1) the board of viewers shall file the report with the county commissioners or county council; and

(2) the county commissioners or county council shall examine the report.

(b) If the county commissioners or the county council finds that the report is not in the correct form, the county commissioners or county council may return the report to the board of viewers with instructions to provide further information to be reported at a date set by the county commissioners or county council.

(c) If the county commissioners or the county council finds that the report is in correct form and in accordance with the law, the county commissioners or county council shall:

(1) accept the report; and

(2) set a date for a final hearing on the report that is at least 30 days after the report is accepted by the county commissioners or county council.

(d) For at least 2 weeks before the final hearing on the report, a notice of the final hearing shall be provided:

(1) by publication in a newspaper of general circulation in the county; and

(2) by posting a written notice on the door of the courthouse and at five conspicuous places throughout the drainage district.

(e) During the 2–week period in subsection (d) of this section, a copy of the report shall be:

(1) kept on file in the office of the designated officer; and

(2) open to inspection by any landowner or interested person in the drainage district.

§27–309.

(a) The designated officer shall summon or cause to be summoned any respondent that is known to the designated officer or to the board of viewers.

(b) (1) If the designated officer finds by affidavit or otherwise that a landowner whose name is unknown cannot after due diligence be determined by the petitioners, the designated officer shall summon the unknown landowner by publishing the petition or the substance of the petition in a newspaper of general circulation in the county where the land is located.

(2) The summons shall:

(i) describe the land as to which the owner is unknown;

(ii) include the order of the county commissioners or county council;

(iii) include the date of the final hearing that will be held before the county commissioners or the county council establishes the drainage district; and

(iv) be published for 4 successive weeks before the date of the final hearing.

§27–310.

(a) Any landowner may appear at the hearing in person or by counsel and object in writing to the report of the board of viewers.

(b) The county commissioners or county council shall:

(1) review the report of the board of viewers and any objection filed to the report; and

(2) make any change that is necessary to treat each landowner in the drainage district equitably.

(c) (1) If the county commissioners or the county council finds that the cost of construction and the amount of damages assessed do not exceed the benefit that will accrue to the affected land, the county commissioners or county council shall confirm the report of the board of viewers and declare the drainage district to be established.

(2) If the county commissioners or the county council finds that the cost of construction and the amount of damages assessed exceed the benefit that will accrue to the affected land, the county commissioners or county council shall dismiss the proceedings at the cost of the petitioners, and any surety on the bond filed by the petitioners shall be liable for the costs.

§27–401.

(a) After the county commissioners or county council establish a drainage district, the county commissioners or county council shall appoint three landowners to be the board of drainage commissioners, subject to the written approval of a majority of landowners.

(b) A vacancy that occurs on the board of drainage commissioners shall be filled in the same manner that initial appointments are made.

§27–402.

(a) The board of drainage commissioners shall organize as a corporation named "The Board of Drainage Commissioners of .. District".

(b) A board of drainage commissioners may:

(1) exercise corporate powers;

(2) hold and convey property; and

(3) sue and be sued.

(c) A board of drainage commissioners shall adopt a seal.

§27–403.

(a) The board of drainage commissioners shall elect a chair and a vice chair from among its members.

(b) The board of drainage commissioners shall elect a secretary from among its members or from outside its membership.

(c) The tax collector of the county where the petition was filed shall be an ex officio member of the board of drainage commissioners.

§27–404.

(a) The board of drainage commissioners shall appoint a competent superintendent of construction.

(b) The board of drainage commissioners shall determine the compensation of the superintendent of construction.

(c) (1) The superintendent of construction shall post a bond with the board of drainage commissioners, conditioned on honest and faithful performance.

(2) The board of drainage commissioners shall determine the amount of the bond and approve the bond.

(d) The board of drainage commissioners may terminate the contract of the superintendent of construction whenever the board of drainage commissioners considers the services of the superintendent of construction to be no longer necessary.

§27–405.

(a) (1) The designated officer shall maintain a drainage record in which the designated officer shall record each petition, motion, order, report, judgment, and finding of the county commissioners or county council in each drainage transaction that comes before the county commissioners or county council as to make a complete and continuous record.

(2) Copies of all maps and profiles shall be:

(i) furnished by the engineer;

(ii) marked "official copies" by the designated officer;

(iii) kept on file in the designated officer's office; and

(iv) open to public inspection.

(b) (1) The board of drainage commissioners shall submit to the clerk of the appropriate circuit court an easement record listing each easement for maintenance and rights–of–way that the drainage district has on any land in the county.

(2) The clerk shall make the easement record available for public inspection.

§27–501.

A drainage district may acquire a right–of–way across land that is not affected by the drainage project but is located in the drainage district to construct a ditch or canal or for any other necessary purpose authorized by law.

§27–502.

(a) The board of drainage commissioners has the power of eminent domain and may begin condemnation proceedings under Title 12 of the Real Property Article if:

(1) it is necessary to acquire a right–of–way through land not affected by the drainage; and

(2) the land cannot be acquired by purchase.

(b) The board of drainage commissioners shall award damages out of the first funds available from bond proceeds or otherwise.

§27–601.

(a) The board of drainage commissioners:

(1) shall advertise for bids to construct the drainage project;

(2) shall award the contract for the drainage project to the lowest responsible bidder; and

(3) may reject any or all bids and readvertise for other bids.

(b) The board of drainage commissioners shall set:

(1) the terms for payment with the contractor; and

(2) the amount of the contractor's bond, which shall be given in favor of the board of drainage commissioners.

§27–602.

The board of drainage commissioners shall control, supervise, and maintain each drainage project completed under this title.

§27–603.

(a) (1) The engineers who are appointed to the board of viewers shall receive compensation per diem, as agreed on by the county commissioners or county council.

(2) The individuals, other than the engineers, who are appointed to the board of viewers shall receive $3 per day.

(3) The rodmen, axmen, chainmen, and other laborers employed by a drainage district shall receive compensation not to exceed $2 per day each.

(b) The board of drainage commissioners may not receive a per diem but shall be reimbursed for expenses incurred when engaged in the work of the drainage district.

(c) All other fees and costs incurred under this title are the same as provided by law for similar services.

§27–701.

(a) The board of drainage commissioners shall ascertain the total cost of the drainage project, including the payment of damages awarded to the landowners, after:

(1) the classification of lands and the ratio of assessment of the different classes of lands has been confirmed by the county commissioners or county council at the time of the final hearing; and

(2) any appeal made to the circuit court has been adjudicated.

(b) The total cost of the drainage project may include:

(1) all costs and incidental expenses;

(2) the compensation of members of the board of viewers and assistants and the superintendent of construction;

(3) the expenses of the board of drainage commissioners;

(4) the necessary expenses of maintaining the drainage project for a period of 3 years after the completion of the construction work; and

(5) the payment of interest on drainage bonds for a period of 3 years.

(c) (1) The board of drainage commissioners, under the direction of the chair and secretary of the board, shall certify to the designated officer the total estimated cost of the drainage project.

(2) The certification shall be recorded in the drainage record and open to inspection by any landowner.

(d) If the total estimated cost of the proposed drainage project constructed under this title is less than an average of 25 cents per acre of the total area, the board of drainage commissioners may issue bonds and shall collect the assessment from the landowners.

§27–702.

(a) A drainage district may include land that may not be affected by the completed drainage project.

(b) Any land that will not be affected by the completed drainage project may not be assessed any drainage assessment.

§27–703.

(a) When the board of drainage commissioners has estimated the total cost of the drainage project as provided under § 27–701 of this subtitle, the board shall immediately prepare 10 assessment lists to cover the period of the bond issue, providing:

(1) the names of the landowners in the drainage district as determined from the public records;

(2) a brief description of the tracts of land assessed; and

(3) the amount of the assessment against each tract of land.

(b) (1) The assessment lists shall provide assessments sufficient for:

(i) the payment of principal and interest on the bond issue; and

(ii) the amounts that have to be paid for collection and handling of the assessments.

(2) The assessment list shall provide assessments for each year of the bond issue beginning with the third year and ending with the 12th year.

(c) (1) Each assessment list shall:

(i) specify the time when the assessment is collectible; and

(ii) be numbered in order.

(2) The amount assessed against each tract of land shall be based on the benefit received, as shown by the classification and ratio of assessments made by the board of viewers.

(d) The assessment lists shall be signed by the chair and secretary of the board of drainage commissioners.

(e) After the designated officer has attached an order to each assessment list directing the collection of the assessments, one copy of each assessment list shall be:

(1) filed with the drainage record; and

(2) delivered to the county tax collector.

(f) After the assessment list is filed and delivered, the assessments constitute a lien, second only to State and county real property taxes, on the land assessed for the payment of bonds and the interest on the bonds as the payment becomes due.

(g) The assessments shall be due and payable annually on the first Monday in

January.

(h) Each assessment shall be collected in the same manner and by the same officer as State and county real property taxes.

(i) (1) If the assessments are not paid in full on or before April 30 following the due date, the county tax collector shall sell the delinquent land.

(2) The sale of land shall be between 10 a.m. and 4 p.m. at the courthouse door of the county in which the land is located.

§27–704.

If the board of viewers, when making the examination and surveys of the drainage project, finds that the drainage project will benefit a railroad, public highway, or other public property, the board of viewers shall assess the railroad, State, or county for the benefits derived from the drainage district.

§27–705.

(a) (1) The board of drainage commissioners shall give notice of a proposal to issue bonds by:

(i) publication for 3 weeks in a newspaper of general circulation in the county where any part of the drainage district is located;

(ii) posting a notice at the door of the courthouse in the county where any part of the drainage district is located; and

(iii) posting a notice at five conspicuous places in the vicinity of the drainage district.

(2) The notice shall include:

(i) the proposal to issue bonds to pay for the total cost of the drainage project;

(ii) the amount of bonds to be issued;

(iii) the interest rate for the bonds; and

(iv) the date when the bonds are payable.

(b) (1) A landowner that does not want to pay interest on the bonds may pay to the county tax collector, within 15 days after the publication of the notice in subsection (a) of this section, the full amount due for the landowner, as provided in the classification sheet and the certificate of the board of drainage commissioners showing the total cost of the drainage project.

(2) If the landowner pays the full amount, the landowner is relieved from liability for the drainage project.

(3) The landowner shall continue to be liable for any future assessment for maintenance or for any increased assessment authorized under law.

(c) (1) At the expiration of the 3 weeks after the publication of the notice in subsection (a) of this section, the board of drainage commissioners may issue bonds of the drainage district in an amount equal to the total cost of the drainage project less any amount that has been paid to the county tax collector, including an amount sufficient to pay interest on the bond issue for the 3 years after the date of issue.

(2) All bonds issued under this section:

(i) shall bear interest;

(ii) shall be payable semiannually;

(iii) shall be paid in 10 equal installments, with the first installment of principal maturing 3 years after the issue, and one installment for each succeeding year for 9 additional years;

(iv) shall be numbered by the board of drainage commissioners;

(v) shall be recorded in the drainage record; and

(vi) may not be sold for a price less than par.

(3) The board of drainage commissioners shall use the proceeds of the bonds to pay:

(i) for the work as it progresses;

(ii) the interest on the bonds issued for the 3 years after the date of issue; and

(iii) the other expenses of the drainage district provided under this title.

(d) (1) The proceeds from the sale of bonds under this section shall be for the exclusive use of the drainage district specified on the bonds.

(2) The drainage record shall list the land in the drainage district on which the assessment has not been paid in full.

(e) (1) If an installment of principal or interest on the bonds is not paid at the time and in the manner due and the default continues for 6 months, the holder of the bond in default has a right of action against the drainage district or the board of drainage commissioners.

(2) If an action is brought, the court may issue a writ of mandamus against the drainage district and its officers, including the county tax collector, that directs the imposition of a special assessment against landowners in default in an amount necessary to meet unpaid installments of principal and interest and the costs of the action.

(3) The holder of any bond in default may:

(i) pursue any other remedy authorized by law; and

(ii) bring suit against any officer on the official bond of the officer for failing to perform a duty required under this title.

§27–706.

(a) (1) The board of drainage commissioners may impose an assessment on the landowner benefited by the construction of the drainage project to maintain the drainage project.

(2) The assessment under this section shall be imposed in the same manner and in the same proportion as the original assessment under this subtitle, in an amount not to exceed 25% of the original assessment.

(3) The board of drainage commissioners shall use the money that is collected to repair and maintain the drainage project.

(b) (1) The board of drainage commissioners shall impose the cost of any repairs on a landowner if the repair is necessary because of:

(i) an act or negligence of the landowner or an agent or employee of the landowner; or

(ii) the cattle, hogs, or other livestock of the landowner or of an agent or employee of the landowner.

(2) The cost of repairs as provided under paragraph (1) of this subsection shall be collected by suit instituted by the board of drainage commissioners.

§27–707.

(a) A drainage district may use any loan or other assistance from the federal government for drainage or reclamation work.

(b) (1) Subject to paragraph (2) of this subsection, to facilitate any cooperative construction plan agreed to by the federal government and any drainage district, the board of drainage commissioners may issue bonds of the drainage district in the form and maturities required by the federal government.

(2) A contract or agreement between the drainage district and the federal government for cooperative construction work is subject to approval by a majority of the landowners of the drainage district.

(c) State officials shall solicit the cooperation of the federal government to drain and reclaim agriculture lands.

§27–708.

(a) In this section, "Fund" means the Drainage District Fund.

(b) There is a Drainage District Fund.

(c) (1) The purpose of the Fund is to encourage drainage projects to promote the ditching, draining, leveeing, and reclaiming of wet and overflowed land that can be made available for agriculture.

(2) Loans not exceeding $2,000 may be made from the Fund for a drainage project to pay the expenses of the surveys, board of viewers, advertising, and all other incidental fees and expenses connected with the drainage project until the drainage district is established and the work is turned over to the board of drainage commissioners.

(d) The sum of $10,000 shall be appropriated from money in the State Treasury, which is not otherwise appropriated, to the credit of the Fund.

(e) When there is money to the credit of the Fund, the State Treasurer shall pay the money to be loaned:

(1) on warrant of the Comptroller; and

(2) on the receipt of an itemized statement requesting the loan, endorsed by the designated officer and presiding officer of the county commissioners or county council of the county in which the original petition of the drainage district was filed.

(f) The funds loaned by the State shall be returned to the State Treasury through the county commissioners or county council, who shall collect the amount loaned under a petition filed under this title from:

(1) if the petition is not allowed, the petitioner or the petitioner's surety; or

(2) if the drainage district is established, the board of drainage commissioners out of the first proceeds of the sale of the bonds of the drainage district charged with the loan.

(g) In order for the Fund to be available for other projects, a loan to one drainage district may not be greater than the amount that is necessary for the use of the drainage

district.

§27–709.

The county tax collector, without an order from the board of drainage commissioners, shall pay:

(1) the installments of interest at the time and place as evidenced by the bonds; and

(2) the annual installments of the principal due on the bonds at the time and place evidenced by the bonds.

§27–710.

The official bond of the county tax collector:

(1) shall be liable for the faithful performance of the duties assigned to the officer under this subtitle; and

(2) may be increased by the county commissioners or county council at their discretion.

§27–801.

(a) A landowner that has been assessed under this title for the cost to construct a ditch, drain, or watercourse may use the ditch, drain, or watercourse as an outlet for lateral drains from the assessed land.

(b) The owner of the assessed land may petition the county commissioners or county council if:

(1) the assessed land is separated from a ditch, drain, or watercourse by the land of another; and

(2) the owner of the assessed land and the other landowner do not agree on the terms and conditions under which the owner of the assessed land may enter the property of the other landowner and construct a lateral drain or ditch.

(c) A lateral ditch constructed under this section shall be:

(1) part of the drainage system;

(2) under the control of the board of drainage commissioners; and

(3) maintained by the board of drainage commissioners as provided under this title.

§27–901.

(a) A person may not damage, obstruct, or build any bridge, fence, or floodgate so as to damage any levee, ditch, drain, or watercourse constructed or improved under this title.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding twice the value of the damage.

§27–902.

(a) A county tax collector may not willfully fail to make prompt payments of the interest and principal on bonds issued under this title.

(b) A county tax collector who violates this section is guilty of a misdemeanor and on conviction is subject to a fine and imprisonment.

(c) A county tax collector who violates this section is liable to the board of drainage commissioners or the holder of the bonds in a civil action in an amount equal to all damages which may accrue to the board or bond holder as a result of the violation.

§28–101.

In this subtitle, "Commission" means the Allegany County Salary Study Commission.

§28–102.

There is an Allegany County Salary Study Commission.

§28–103.

(a) Subject to subsection (c) of this section, the Commission consists of the following members:

(1) one member from the Democratic Central Committee of Allegany County;

(2) one member from the Republican Central Committee of Allegany County;

(3) one member from the Allegany County Chamber of Commerce;

(4) one member from the Allegany–Garrett Counties Fire and Rescue Association, from Allegany County;

(5) one member from the Allegany County Farm Bureau;

(6) one member from the League of Women Voters of Allegany County; and

(7) one member from the Western Maryland Central Labor Council.

(b) On or before July 14, 2016, and on or before July 14 each fourth year thereafter, the County Commissioners of Allegany County shall request that each organization listed in subsection (a) of this section recommend an appointee to the county commissioners on or before the following August 1.

(c) (1) The County Commissioners of Allegany County shall appoint the individual recommended by each organization listed in subsection (a) of this section.

(2) If any organization fails to make a recommendation to the county commissioners on or before August 1, the county commissioners shall appoint a substitute public member to the Commission to serve through the following January 30.

(3) A member of the Commission appointed under paragraph (1) or (2) of this subsection may not be:

(i) an Allegany County official or employee; or

(ii) an official or employee of any office studied by the Commission.

(4) The county commissioners shall make their appointments to the Commission final on or before September 29 of the year of the recommendations under subsection (b) of this section.

§28–104.

From among its members, the Commission shall elect a chair.

§28–105.

(a) Five members of the Commission are a quorum.

(b) The Commission shall meet on or before the December 31 immediately following appointment.

(c) A member of the Commission:

(1) may not receive compensation as a member of the Commission; but

(2) is entitled to reimbursement for expenses as authorized by the County Commissioners of Allegany County.

§28–106.

(a) The Commission shall study the salaries of:

(1) the County Commissioners of Allegany County;

(2) the Allegany County Board of Education;

(3) the Allegany County Board of License Commissioners;

(4) the Allegany County Board of Elections;

(5) the judges of the Orphans' Court for Allegany County; and

(6) the Sheriff of Allegany County.

(b) On or before January 29 of the year following appointment, the Commission shall make recommendations to the County Commissioners of Allegany County regarding salaries of the offices listed in subsection (a) of this section.

(c) Before the Commission submits its recommendations as provided in subsection (b) of this section, the Commission shall meet with each individual who holds an office listed in subsection (a) of this section to:

(1) acquaint the Commission with the duties and responsibilities of those public officials;

(2) obtain any additional information that the Commission believes would be helpful to complete its work; and

(3) provide an opportunity for the public officials to express their opinions about the appropriate compensation for the offices.

§28–107.

(a) Subject to subsection (b) of this section and Article III, § 35 of the Maryland Constitution, the County Commissioners of Allegany County, by local law, shall set the salary for each office included in the recommendations.

(b) The County Commissioners of Allegany County may accept, reduce, or reject, but may not increase, the recommendations of the Commission.

§28–201.

In this subtitle, "Commission" means the Washington County Salary Study Commission.

§28–202.

There is a Washington County Salary Study Commission.

§28–203.

(a) Subject to subsections (b) and (d) of this section, the Commission consists of the following members:

(1) one member from the Democratic Central Committee of Washington County;

(2) one member from the Republican Central Committee of Washington County;

(3) one member from the Washington County Chamber of Commerce;

(4) one member from the Washington County Farm Bureau;

(5) one member from the League of Women Voters of Washington County;

(6) one member from the Western Maryland Central Labor Council;

(7) one member from the Cumberland Valley Associated Builders and Contractors, Inc.;

(8) one member from the Joint Veterans Council of Washington County; and

(9) one at–large member who is a resident selected by the County Commissioners of Washington County.

(b) Each member shall be a registered voter of Washington County who in the previous 4 years has voted in at least two elections, at least one of which was in the gubernatorial election year.

(c) On or before March 31, 2016, and on or before March 31 each fourth year thereafter, the County Commissioners of Washington County shall request that each organization listed in subsection (a) of this section recommend an appointee to the county commissioners on or before the following May 15.

(d) (1) The County Commissioners of Washington County shall appoint the individual recommended by each organization listed in subsection (a) of this section.

(2) If an organization fails to make a recommendation to the county commissioners on or before June 1, the members who have been appointed to the Commission shall meet, solicit prospective members from the public, and select by majority vote a qualified substitute public member to the Commission to serve through the following December 1.

(3) A member of the Commission may not be an elected official or an employee of an official whose salary the Commission studies.

§28–204.

From among its members, the Commission shall elect a chair.

§28–205.

(a) Five members of the Commission are a quorum.

(b) The Commission shall meet on or before the June 30 immediately following appointment.

(c) A member of the Commission may not receive compensation as a member of the Commission.

(d) The County Commissioners of Washington County shall provide professional staff to the Commission as necessary for the Commission to issue its report.

§28–206.

(a) The Commission shall hold at least one public hearing every 4 years.

(b) The Commission shall publish notice of each hearing in a newspaper of general circulation in the county.

(c) The County Commissioners of Washington County shall provide money necessary for the Commission to advertise its hearings so that the public receives sufficient notice and an opportunity to attend and present testimony at the hearings.

§28–207.

(a) The Commission shall study the salaries of:

(1) the County Commissioners of Washington County;

(2) the Washington County Board of Education;

(3) the Washington County Board of Liquor License Commissioners;

(4) the judges of the Orphans' Court for Washington County;

(5) the Sheriff of Washington County; and

(6) the Treasurer of Washington County.

(b) On or before the December 1 following appointment, the Commission

shall issue a report that contains recommendations to the County Commissioners of Washington County for review and consideration.

§28–208.

In formulating its report and recommendations, the Commission shall consider for each office:

(1) the scope of responsibilities of the office;

(2) the education, skills, abilities, licensure, and certification required to perform the duties of the office;

(3) the salaries of similar offices in other jurisdictions;

(4) the time required to perform the duties of the office;

(5) the salaries of subordinate employees under the direct supervision of the office;

(6) the volume of workload of the office; and

(7) any other relevant information.

§28–209.

(a) Subject to subsection (b) of this section and Article III, § 35 of the Maryland Constitution, within 60 days after receiving the recommendations of the Commission under § 28–207(b) of this subtitle, the County Commissioners of Washington County, by local law, shall set the salary for each office included in the recommendations.

(b) The County Commissioners of Washington County may accept, reduce, or reject, but may not increase, the recommendations of the Commission.

§29–101.

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

(b) "Alternative dispute resolution" includes mediation.

(c) "Commission" means the St. Mary's County Human Relations Commission.

§29–102.

(a) By ordinance or resolution, the County Commissioners of St. Mary's County may establish a Human Relations Commission for the county.

(b) The purposes of the Commission are to:

(1) promote understanding and harmony of relationship among the people of the county through the study of the nature and causes of social friction and prejudice;

(2) advance the means for the alleviation of social friction and prejudice; and

(3) further the American ideal of equality and justice.

§29–103.

(a) The County Commissioners of St. Mary's County shall:

(1) determine the size of the Commission;

(2) appoint the members of the Commission; and

(3) ensure that the membership of the Commission reflects the diversity of the people of the county.

(b) (1) The term of a member is 4 years.

(2) The terms of the members shall be staggered in a manner determined by the County Commissioners of St. Mary's County.

(3) A member may not serve more than two consecutive terms.

§29–104.

(a) From among its members, the Commission shall select a chair and a vice chair of the Commission.

(b) (1) The terms of the chair and vice chair are 1 year.

(2) A member may not serve as the chair or vice chair for more than two consecutive terms.

§29–105.

(a) A member of the Commission may not receive compensation as a member of the Commission.

(b) The County Commissioners of St. Mary's County may appropriate money for the administrative support of the Commission.

§29–106.

(a) The Commission may:

(1) provide advice and assistance related to the filing and processing of

grievances and complaints of discrimination with the appropriate federal and State agencies;

(2) educate the community on the rights and responsibilities of people relating to housing, employment, and public accommodations;

(3) advocate for the removal of all vestiges of discrimination; and

(4) assist in nonbinding alternative dispute resolution.

(b) The Commission shall:

(1) use its influence and persuasion to direct the efforts of the community to solving problems that many times are the basic reasons for racial tensions; and

(2) encourage and ensure equal treatment of all people, without regard to race, color, religion, ancestry, national origin, sex, age, marital status, or physical or mental disability, in compliance with federal, State, and local laws and regulations related to housing, employment, and public accommodations.

§29–107.

(a) A person seeking an alternative dispute resolution under this title shall file a written request for alternative dispute resolution within 6 months after the date of the incident giving rise to the request.

(b) (1) A person who satisfies the time requirements under subsection (a) of this section is deemed to have complied with the requirements of § 20–1004 of the State Government Article.

(2) The Commission may provide a copy of a written request filed under subsection (a) of this section to the Maryland Commission on Human Relations to verify the compliance of a party with the requirements of § 20–1004 of the State Government Article.

§29–108.

(a) This section supersedes any contrary provision of the Public Information Act and the St. Mary's County Open Meetings Act.

(b) (1) Subject to paragraph (2) of this subsection:

(i) all activities of the Commission that relate to an alternative dispute resolution, a grievance, or a complaint of discrimination shall be conducted in confidence and without publicity; and

(ii) the Commission may meet in closed session when dealing with an alternative dispute resolution, a grievance, or a complaint of discrimination.

(2) If all parties involved in an alternative dispute resolution, a grievance, or a complaint of discrimination consent in writing, the activities of the Commission related to the alternative dispute resolution, grievance, or complaint of discrimination may be conducted publicly.

(3) Except as provided under § 29–107 of this title, the Commission shall hold confidential all information concerning an alternative dispute resolution, a grievance, or a complaint of discrimination, including the identities of the parties involved.

(4) The Commission shall hold confidential any information and records obtained by a predecessor county body that was authorized to perform a function similar to that of the Commission before July 1, 1997.

(c) (1) Information related to the activities or involvement of the Commission in an alternative dispute resolution, a grievance, or a complaint of discrimination may not be admitted as evidence in any administrative proceeding or litigation.

(2) The records of the Commission may not be discovered in any administrative proceeding or litigation.

(d) (1) Except as provided under § 29–107 of this title and paragraph (2) of this subsection, information or records related to the activities or involvement of the Commission in an alternative dispute resolution, a grievance, or a complaint of discrimination are not subject to public inspection under the Maryland Public Information Act.

(2) Statistical information may be made available for public inspection under § 4–501(e) of the General Provisions Article.

§29–109.

(a) Subject to subsection (b) of this section, the Commission shall file with the County Commissioners of St. Mary's County a comprehensive report of its activities at least once every 12 months.

(b) The Commission may not reveal any confidential information in the report to the county commissioners.

§30–101.

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

(b) "Board" means the Board of Trustees for the Fund.

(c) "Department" means the Baltimore City Police Department.

(d) "Fund" means the Baltimore City Police Department Death Relief Fund.

§30–102.

(a) There is a Baltimore City Police Department Death Relief Fund.

(b) (1) The Fund is an instrumentality of the State.

(2) The Fund is the successor relief fund to any previous relief fund administered by the Police Commissioner of Baltimore City.

§30–103.

The Board shall administer the Fund.

§30–104.

(a) (1) The Board consists of the following members elected from the Department:

(i) one member of the rank of major or higher;

(ii) one member of the rank of deputy major;

(iii) one member of the rank of lieutenant;

(iv) one member of the rank of sergeant;

(v) three patrol officers; and

(vi) one civilian employee.

(2) The Director of Fiscal Affairs Division of the Department serves as an ex officio member.

(b) (1) The elected members of the Board shall be elected at large by the officers and civilian employees of the Department.

(2) (i) The term of an elected member is 4 years.

(ii) Elections are held every 2 years with the terms of the major or higher ranked member, sergeant, and two patrol officers ending at alternate 2–year periods with those of the deputy major, lieutenant, one patrol officer, and the civilian employee.

(iii) At the end of a term, a member continues to serve until a successor is elected.

(3) (i) Nominations for elected members shall be submitted in writing to the secretary of the Board at least 15 days before the election.

(ii) 1. Nominations for elected members shall be signed by at least 20 officers or civilian employees of the Department.

2. No more than half of the individuals signing the nomination may be from the same district or unit.

(4) The nominees who correspond to the vacancies on the Board and receive the highest number of votes shall be declared elected.

(5) Elections may be held concurrent with the election of members to the Personnel Service Board as provided in the Code of Public Local Laws of Baltimore City, 1979 Edition, § 16–12.

(c) (1) A vacancy on the Board shall be filled for the remainder of the unexpired term from the nominees of comparable rank or status who received the next highest number of votes in descending order from the nominees actually elected during the preceding election.

(2) If there is no nominee available as provided in paragraph (1) of this subsection, the Board shall elect from the Department at large a member of the same rank or status to serve for the remainder of the unexpired term.

(d) (1) A Board member shall take an oath of office that the member will diligently and faithfully perform the duties of a member in accordance with law.

(2) The oath shall be administered by the Clerk of the Circuit Court for Baltimore City, subscribed by the Board member making it, within 10 days after the Board member's term begins, and filed in the Clerk's office.

(e) A Board member:

(1) may not receive compensation as a member of the Board; but

(2) shall be reimbursed from the Fund for expenses.

(f) (1) Each Board member is entitled to one vote.

(2) Five members are a quorum.

(3) The Board shall act by majority vote.

(4) From among its members, the Board shall elect officers.

(g) The Board may adopt rules and regulations providing for:

(1) the amount of benefits;

(2) the administration of the Fund; and

(3) the transaction of the Board's business.

(h) (1) The legal adviser to the Department is the legal adviser to the Board.

(2) On request of the Board, the legal adviser shall assist and advise the Board during the conduct of a hearing.

(i) The Board may sue and be sued.

(j) The Board shall adopt an official seal.

(k) A Board member:

(1) may be liable only for the member's own negligence or default; and

(2) is not liable for the conduct of any predecessor or cotrustee or any agent, representative, custodian, or depository selected with reasonable care.

§30–105.

(a) (1) If requested, the Board shall provide an opportunity for a full hearing, including the right to counsel and cross–examination for all interested parties, in a proceeding regarding any benefit provided under this title.

(2) (i) Through the member presiding at a hearing, the Board may:

1. administer oaths; and

2. apply to the circuit court of any county for a subpoena for a witness.

(ii) If the Board applies for a subpoena under subparagraph (i) of this paragraph, the circuit court shall grant the subpoena if the court finds that:

1. the evidence of the witness is necessary to provide a fair hearing; and

2. requiring attendance by the witness would not be oppressive.

(b) (1) The Board shall keep a record of its proceedings.

(2) The record shall be open to public inspection.

§30–106.

(a) (1) The Board may accept and shall credit to the Fund any gifts, devises, and bequests to be administered in accordance with this title.

(2) The Board may pay from the Fund the expenses necessary to carry out this title, including:

(i) organization, clerical, and office expenses; and

(ii) for the conduct of its proceedings, including expenses for investigation, medical or other advice, and stenographic service.

(b) (1) (i) If the balance of the Fund falls below $75,000, the Board may assess a fee not to exceed 10 cents per week on each officer and civilian employee of the Department.

(ii) The fee shall be collected through payroll deductions and credited to the Fund.

(iii) 1. The Board shall determine the period of time over which the fee will be collected.

2. The assessment shall end when the balance of the Fund reaches $200,000 and may only be reimposed when the balance of the Fund falls below $75,000.

(2) (i) On written request of at least 10% of the total number of officers and civilian employees of the Department, the action of the Board requiring an assessment under paragraph (1) of this subsection shall be submitted to a secret ballot vote of the officers and civilian employees of the Department.

(ii) If a majority of the votes cast are against the assessment, the assessment may not be imposed.

(3) (i) If the Fund is not replenished, the Fund shall be used until exhausted.

(ii) Once the assets of the Fund have been exhausted, the Fund shall cease.

(c) (1) The Board shall deposit sufficient money from the Fund in federally insured savings accounts to meet the anticipated benefit payments for each year.

(2) The Board may invest the remaining assets of the Fund in any other manner the Board considers prudent.

(d) (1) The Fund shall be audited regularly by the Legislative Auditor and from time to time by an independent certified public accountant that the Board retains.

(2) On or before May 1 of each year, the Board shall publish a report for the previous calendar year that includes the fiscal transactions of the Fund and a detailed balance sheet.

(3) (i) The Board shall provide copies of the report to all members of the Board by electronic mail and post copies of the report on the Department's Intranet.

(ii) The Board shall keep copies of the report on file and make the report available to any officer or civilian employee of the Department or potential beneficiary of any deceased officer or civilian employee.

§30–107.

(a) The Fund shall pay special death benefits, as provided in this title, for an officer or a civilian employee of the Department whose death is proximately caused by injuries sustained or by harm inflicted on the body in the course of the performance of the officer's or employee's duties.

(b) The Fund shall pay death benefits, as provided in this title, for an active officer or a civilian employee of the Department whose death is not proximately caused by injuries sustained or by harm inflicted on the body in the course of the performance of the officer's or employee's duties.

§30–108.

(a) (1) Subject to paragraph (2) of this subsection:

(i) the amount of benefit payable under § 30–107(a) of this title is $10,000; and

(ii) the amount of benefit payable under § 30–107(b) of this title is $500.

(2) The Board may prospectively and uniformly establish by resolution an amount of benefit payable under this title that is greater than the amount specified in this subsection.

(3) The benefit provided for under this title shall be in addition to all other benefits provided by law or by voluntary action of any person.

(b) (1) On the death of an officer or a civilian employee of the Department, the benefit provided for under this title is payable to the following individuals:

(i) the surviving spouse;

(ii) if there is no surviving spouse, to the minor children, in equal shares;

(iii) if there is no surviving spouse or minor children, to the dependent parents, in equal shares; or

(iv) if there is no surviving spouse, minor child, or dependent parent,

to any other dependents or the estate of the officer or employee.

(2) Any benefit paid under paragraph (1)(iv) of this subsection shall:

(i) not exceed the maximum benefit provided in subsection (a) of this section; and

(ii) be paid in proportions determined by the Board.

(3) (i) Any benefit payable to a minor shall be made to the minor's legal guardian in the State.

(ii) If a benefit is payable to a minor who does not have a legal guardian in the State, the benefit is payable on behalf of the minor to a person determined by the Board under conditions set by the Board.

(4) A beneficiary's eligibility is not affected by whether the deceased officer or civilian employee paid into the Fund.

(c) The benefit provided for under this title is not subject to:

(1) execution, garnishment, attachment, or any other process; and

(2) assignment until the benefits are paid to the beneficiary.