
By: **Carroll County Delegation**

Introduced and read first time: February 3, 2000

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County - Recodification of Code of Public Local Laws**

3 FOR the purpose of revising, restating, and recodifying the laws relating to Carroll
4 County including laws relating to the county's boundaries, the circuit court, the
5 county commissioners, crimes and punishments, election districts, licenses,
6 motor vehicles, the Orphans' Court, open space maintenance, revenue and taxes,
7 roads, the sheriff's office, solid waste projects, the Springfield State Hospital,
8 and water, sewerage, and drainage systems; repealing provisions of law
9 concerning the authority of certain municipal corporations for the sole purpose
10 of removing them from the Carroll County Code of Public Local Laws; providing
11 for the construction of this Act; and generally relating to the Carroll County
12 Code of Public Local Laws.

13 BY repealing

14 The Public Local Laws of Carroll County
15 Section 6-1 through 6-106, inclusive, and the subtitle "6. Hampstead"; 8-1
16 through 8-100, inclusive, and the subtitle "8. Manchester"; 9-1 through
17 9-112, inclusive, and the subtitle "9. Mount Airy"; 11-1 through 11-103,
18 inclusive, and the subtitle "11. New Windsor"; 18-1 through 18-98,
19 inclusive, and the subtitle "18. Sykesville"; 19-1 through 19-98, inclusive,
20 and the subtitle "19. Taneytown"; 20-1 through 20-99, inclusive, and the
21 subtitle "20. Union Bridge"; and 21-1 through 21-63, inclusive, and the
22 subtitle "21. Westminster"
23 Article 7 - Public Local Laws of Maryland
24 (1976 Edition and September 1999 Supplement, as amended)

25 BY repealing and reenacting, with amendments,

26 The Public Local Laws of Carroll County
27 Section 1-1 through 5-1, inclusive; 7-1 through 7-4, inclusive; 10-1 and 10-2;
28 12-1 through 17-1, inclusive; and the various subtitles.
29 Article 7 - Public Local Laws of Maryland
30 (1976 Edition and September 1999 Supplement, as amended)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 6-1 through 6-106, inclusive, and the subtitle "6.
3 Hampstead"; 8-1 through 8-100, inclusive, and the subtitle "8. Manchester"; 9-1
4 through 9-112, inclusive, and the subtitle "9. Mount Airy"; 11-1 through 11-103,
5 inclusive, and the subtitle "11. New Windsor"; 18-1 through 18-98, inclusive, and the
6 subtitle "18. Sykesville"; 19-1 through 19-98, inclusive, and the subtitle "19.
7 Taneytown"; 20-1 through 20-99, inclusive, and the subtitle "20. Union Bridge"; and
8 21-1 through 21-63, inclusive, and the subtitle "21. Westminster" of Article 7 -
9 Carroll County of the Code of Public Local Laws of Maryland be repealed.

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

12 **Article 7 - Carroll County**

13 **TITLE 1. Boundaries.**

14 [1-1.] 1-101. Frederick County; line established.

15 The [said] commissioners shall set up stones on [said] THE lands at [such]
16 points as [they] THE COMMISSIONERS may deem proper and necessary, and mark
17 [them] THE POINTS number one, two, and so on progressively through the whole
18 line[; and the]. THE line [thus] surveyed, located and marked, shall be forever the
19 proper divisional line between Frederick and Carroll counties from the bridge over
20 Sam's Creek on the Buffalo Road at what was formerly Warfield's Mill to Parr's
21 Spring.

22 [1-2.] 1-102. Same; directive, recordation.

23 The [aforesaid] commissioners shall proceed to the discharge of their duty as
24 soon as they conveniently can[, and in]. IN THE case of a vacancy occurring by death
25 or disability, the vacancy shall be filled by the remaining commissioners selected on
26 the part of the county in which [such] THE vacancy may exist, so that there shall
27 always be three representatives from each county[; and in]. IN THE case of
28 disagreement, THE commissioners [they] may appoint among themselves one
29 commissioner from an adjoining county[; before they]. BEFORE THE COMMISSIONERS
30 proceed to business [they], THE COMMISSIONERS shall severally make oath or
31 affirmation before the Clerk of the Circuit Court of their respective counties that they
32 will, without favor or prejudice, to the best of their skill and judgment, run and
33 establish the division line between Frederick and Carroll counties from the bridge
34 over Sam's Creek on the Buffalo Road at what was formerly Warfield's Mill to Parr's
35 Spring, as nearly as may be, agreeably to the intent and meaning of the Act passed
36 December session, eighteen hundred and thirty-five, chapter two hundred and
37 fifty-six, and confirmed at the next succeeding session, chapter nineteen[; they].
38 THE COMMISSIONERS shall have full power and authority to contract with and
39 employ a surveyor, chain carriers, and other proper and necessary assistants for the
40 performance of their duty [; and they]. THE COMMISSIONERS, or a majority of them,
41 after having carefully run out, marked and located the [said] dividing line as
42 [aforesaid] described, shall cause two plats to be made out, and also two certificates

1 under their hands and seals, specifying the courses according to the true meridian,
2 the distances and the marks fixed and made by them to designate [said] THE line,
3 one of each of which shall be returned to the Clerk of the Circuit Court for Frederick
4 County, and the other to the Clerk of the Circuit Court for Carroll County, to be
5 recorded among the Land Record books of [said] THE counties respectively.

6 [1-3.] 1-103. Same; penalty provisions.

7 It shall be unlawful for any person or persons to move or remove, mutilate or
8 destroy any of the stones set up under the authority of this [subtitle] TITLE, or to
9 cause, aid or abet any person in so doing[; and any] . ANY person violating any of the
10 provisions of this section shall be guilty of a misdemeanor, and upon conviction shall
11 be fined not less than one hundred dollars, nor more than five hundred dollars, or be
12 imprisoned in the House of Correction for a period not less than three months nor
13 more than two years, or [be] both [fined and imprisoned in the discretion of the
14 court].

15 TITLE 2. [Circuit Court.] COURTS.

16 [Unclaimed Personal Property]

17 SUBTITLE 1. CIRCUIT COURT; GENERAL PROVISIONS.

18 [2-1.] 2-101. Sale of unclaimed property.

19 (a) Sale of unclaimed property. Any personal property in the custody of the
20 Circuit Court or of any of [its] THE COURT'S officers or employees (1) which came into
21 such custody as a result of any official business or transactions before the Circuit
22 Court, (2) which is unclaimed for a period of sixty days after coming into such custody,
23 and (3) for which no lawful claimant is available to accept delivery, may be sold as
24 PROVIDED in this section [provided].

25 (b) Cash sale at auction. The judge or judges of the Circuit Court for Carroll
26 County, if in his OR HER or their judgment a lawful claimant for the property is not
27 available or is unknown, shall instruct the Clerk of the Court to sell any unclaimed
28 personal property. The sale shall be for cash to the highest responsible bidder at
29 public auction.

30 (c) Notice. Notice of the proposed sale shall be given at least thirty days [prior
31 thereto] BEFORE THE SALE, to the owner of record of the unclaimed personal
32 property, by notice posted in the Courthouse, by at least one publication in a paper in
33 general circulation throughout Carroll County, and (if possible) by letter addressed to
34 the last known address of the owner of record.

35 (d) Use of net proceeds. The net proceeds from any [such] sale UNDER
36 SUBSECTION (C) OF THIS SECTION, after the payment of any necessary expenses
37 relating to the custody and sale of the property, shall be paid over to the Board of
38 County Commissioners and by [them] THE COMMISSIONERS credited to a special
39 fund for the maintenance and improvement of the Bar Library in the Courthouse.

1 Monies in this fund from time to time shall be expended by the County
2 Commissioners only for these purposes and upon the order of a judge or judges of the
3 Circuit Court.

4 (e) Regulations. The judge or judges of the Circuit Court from time to time
5 may adopt and promulgate, amend, revise, or repeal rules and regulations for the
6 proper administration of and not inconsistent with the provisions of this section.

7 (f) Title to property. The owner of [any such] THE property is divested of title
8 [thereto] TO or interest [therein] IN THE PROPERTY at the time of sale under the
9 provisions of this section. However, any person who establishes that [he] THE
10 PERSON had a right and title to [any such] THE property at the time of its sale shall
11 be repaid by the County Commissioners the amount of the net proceeds of sale. Any
12 [such] repayment shall be deducted by the County Commissioners from any current
13 monies in the hands of the County Commissioners from sales made under the
14 provisions of this section.

15 [Court Stenographers]

16 [2-2.] 2-102. [Appointment; tenure; compensation.] COURT STENOGRAPHERS;
17 GENERALLY.

18 The Circuit Court for Carroll County shall appoint a competent court
19 stenographer and whenever in its opinion the circumstances justify may appoint one
20 or more additional court stenographers on either a full or part-time basis. The court
21 stenographer or stenographers shall be sworn officers of the Court, shall hold office at
22 the Court's pleasure, and shall be entitled to [such] THE salary [as] THAT the Court
23 from time to time may prescribe, to be levied annually by the County Commissioners
24 of Carroll County and to be paid in [such] THE installments and at [such] THE times
25 as the other County employees are paid. The Court also from time to time, whenever
26 deemed expedient, may appoint special court reporters and prescribe [their] THE
27 duties and compensation OF THE COURT REPORTERS[; and the], WITH THE
28 compensation [so prescribed shall] TO be paid by the County Commissioners.

29 [2-3.] 2-103. [Duties.] SAME; DUTIES.

30 (A) It shall be the duty of [said] THE court stenographer or stenographers:

31 (1) to take full stenographic or stenotypic notes of all proceedings and
32 testimony in the Court;

33 (2) to prepare and file a typewritten transcript of such notes whenever so
34 directed by the Court;

35 (3) to prepare and furnish to any party to any proceeding in the Court a
36 typewritten transcript of such notes;

37 (4) to act as secretary to [that] THE Judge of the Fifth Judicial Circuit of
38 Maryland who is a resident of Carroll County;

1 (5) to act as librarian of the bar library of Carroll County; and

2 (6) [generally] to perform such stenographic and stenotypic and
3 secretarial work as the Court or any judge [thereof] OF THE COURT may require, or
4 which may be prescribed by law.

5 (B) Before the court stenographer or stenographers shall be required to
6 furnish a typewritten transcript of [his] THE COURT STENOGRAPHER'S OR
7 STENOGRAPHERS' notes to [any] A party to [any] A proceeding, [he] THE COURT
8 STENOGRAPHER OR STENOGRAPHERS shall be entitled to demand of, and receive
9 from, [such] THE party compensation for preparing the transcript at [such] A rate as
10 the Court from time to time may prescribe[. This compensation] WHICH shall be in
11 addition to the salary provided [for in Section 2-2] UNDER § 2-102 OF THIS SUBTITLE.

12 [Law Library]

13 [2-4.] 2-104. [Maintenance and enlargement.] LAW LIBRARY.

14 The County Commissioners of Carroll County are [hereby] authorized and
15 directed to levy [such] A sum of money for the year nineteen hundred and
16 thirty-seven, and every year thereafter, as in their discretion may be necessary for
17 the maintenance and enlargement of the law library of the Circuit Court for Carroll
18 County, [said] WITH THE moneys to be expended [for such purpose] under the
19 direction of any judge or judges of the Circuit Court for Carroll County.

20 [War Records]

21 [2-5.] 2-105. [Preservation and inspection.] WAR RECORDS.

22 The Clerk of the Circuit Court for Carroll County is [hereby] authorized and
23 directed to receive and safely keep and preserve[, as are] the records of the Circuit
24 Court for Carroll County, any books, proceedings, records, original papers, or other
25 matters or things deemed by the Carroll County Managing Committee or Chairman,
26 of the United War Work Campaign, the Red Cross, the Liberty Loan Committee, or
27 any other patriotic organization participating in the civilian activities of the United
28 States in the World War of 1917-1918, and the books, records, original papers,
29 proceedings or other documents which the Chairman, Directors or Managers of any
30 Civilian Defense, Red Cross, Victory Loan or other Loan Campaign or other
31 committees, or patriotic organizations participating in the civilian activities of the
32 United States, the State of Maryland or Carroll County in the present World War in
33 which the United States became a participant in December, 1941, which records,
34 books, documents, papers or proceedings shall be open to the inspection of any one
35 interested therein. [said] THE Clerk of the Circuit Court for Carroll County shall
36 allow none of [said] THE books, papers, documents, records or proceedings to be
37 taken from [his] THE CLERK'S office, except moving picture films or similar records,
38 and then only for public exhibition by some charitable, educational, religious or
39 patriotic organization, upon an occasion and at a time, and under such restrictions, as
40 [said] THE Clerk may deem right and proper; provided that the Circuit Court for
41 Carroll County may in all cases authorize the temporary removal of any [such]

1 record, book, document, paper or proceedings deposited for safe keeping with [its]
2 THE COURT'S Clerk.

3 SUBTITLE [2A.] 2. Juvenile Crime Restitution Fund.

4 [2A-1.] 2-201. [Same; definitions.] DEFINITIONS.

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

6 (b) "Claimant" means a person filing a claim subject to this subtitle.

7 (c) "Court" means the Circuit Court for Carroll County sitting as a Juvenile
8 Court.

9 (d) "Family" when used with reference to a person, means:

10 (1) Any person related to [such] THE person within the third degree of
11 consanguinity or affinity;

12 (2) Any person maintaining a sexual relationship with [such] THE
13 person; or

14 (3) Any person residing in the same household with [such] THE person.

15 (e) "Delinquent act" means an act which would be a crime if committed by an
16 adult.

17 (f) "Victim" means a person who is damaged or suffers loss as a direct result of
18 a delinquent act.

19 [2A-2.] 2-202. [Same; powers.] POWERS.

20 (a) There is in Carroll County a fund, known as the Juvenile Crime
21 Restitution Fund, to make reimbursements to victims of delinquent acts.

22 (b) The Court shall hear and determine all claims and awards and may adopt,
23 promulgate, amend and rescind suitable rules and regulations to carry out the
24 provisions and purposes of this Article.

25 (c) The County Director of Administration and Finance shall be custodian of
26 the fund and make disbursements from the fund promptly on receipt of a request
27 from the Court. The custodian shall invest the money received under this subtitle
28 subject to procedures in the County for the investment of public funds.

29 (d) The County Commissioners of Carroll County may appropriate a sum to
30 establish the fund and make supplemental appropriations to maintain the fund.

31 [2A-3.] 2-203. [Same; eligibility for awards.] ELIGIBILITY FOR AWARDS.

32 (a) Except as provided in subsection (b) of this section, the following persons
33 are eligible for awards pursuant to this Article:

1 (1) A victim of a delinquent act, [his] THE VICTIM'S personal
2 representatives or successors[.]; AND

3 (2) A surviving guardian, parent, spouse, or child of a victim of a
4 delinquent act who died as a direct result of that act.

5 (b) A principal or accomplice to the act upon which the claim is based or a
6 member of the family of [such a] THE person is not eligible to receive an award with
7 respect to [such a] THE claim.

8 [2A-4.] 2-204. [Same; claims.] CLAIMS.

9 (a) A claim may be filed by a person eligible to receive an award, as provided
10 in [Section 2A-3] § 2-203 of this subtitle. In any case in which the person entitled to
11 make a claim is a minor or mentally incompetent, the claim may be filed on the
12 victim's behalf by [his] THE VICTIM'S parent or guardian.

13 (b) A claim must be filed by the claimant not later than 90 days after a finding
14 of delinquency in a matter upon which the claim is based.

15 (c) Claims shall be filed with the Clerk of the Carroll County Circuit Court in
16 person or by mail. The Clerk shall accept for filing all claims submitted by persons
17 eligible under subsection (a) of this section and meeting the requirement as to form as
18 may be established by rules adopted [pursuant hereto] ACCORDING TO THIS
19 SECTION.

20 (d) Upon filing of a claim pursuant to this [Article] SUBTITLE, the Clerk of
21 the Court shall promptly notify the State's Attorney. The Court shall defer all action
22 on the claim until the juvenile proceedings concerning the act giving rise to the claim
23 have been concluded.

24 [2A-5.] 2-205. [Same; recovery.] RECOVERY.

25 (a) The Court may award a claimant a sum equal to the amount determined
26 by the Court to be restitution for the victim's injury.

27 (b) An award may not be made on a claim unless the claimant has incurred a
28 minimum out-of-pocket loss of \$25. Out-of-pocket loss means unreimbursable
29 expenses or indebtedness reasonably incurred to make the claimant whole.

30 (c) If the victim died as a result of the delinquent act, the claimant's recovery
31 is limited to unreimbursable expenses or indebtedness reasonably incurred for
32 medical care and funeral and burial costs.

33 (d) An award may not exceed \$2,500.

34 (e) The custodian of the fund shall pay the sum awarded to a claimant at the
35 direction of the Court.

1 [2A-6.] 2-206. [Same; subrogation of fund.] SUBROGATION OF FUND.

2 Acceptance of an award made pursuant to this [Article] SUBTITLE shall
3 subrogate the fund, to the extent of [such] THE award, to any right or right of action
4 occurring to the claimant or the victim to recover payments on account of losses
5 resulting from any act or occurrence with respect to which the award is made. [The]
6 IN THIS CASE, THE County Attorney shall represent the fund [in such an event].

7 [2A-7.] 2-207. [Same; reimbursement of fund.] REIMBURSEMENT OF FUND.

8 (a) A person adjudged to have committed a juvenile act may be ordered by the
9 Juvenile Court to reimburse the fund [himself] PERSONALLY, either by a single
10 payment or in installments, at the discretion of the Court. Interest shall be assessed
11 against the person at the legal rate from the date of the adjudication.

12 (b) The parents or guardian of a minor may be ordered to cosign with the
13 minor a note for the amount of the award to insure the fund is reimbursed. If this is
14 ordered, the liability of the minor precedes the liability of the parents or guardian.

15 [12.Orphans' Court]

16 SUBTITLE 3. ORPHANS' COURT

17 [12-1.] 2-301. Terms; days.

18 The regular terms of the Orphans' Court of Carroll County shall be held on the
19 second Monday of February, April, June, August, October and December.

20 [12-2.] 2-302. Same; other days.

21 The [said] court, if necessary for the dispatch of business, shall, by its
22 adjournments, be also held on the Tuesday succeeding each Monday of [its said] THE
23 COURT'S regular terms, and on the Monday and Tuesday of every week in the year
24 other than the weeks of the [said] regular terms.

25 [12-3.] 2-303. Hours; additional days.

26 The [said] court shall sit for the transaction of business from nine o'clock a.m.
27 to three o'clock p.m. of each day, and in no case shall they sit [oftener] MORE than
28 two days in any one week, except when it shall appear to [said] THE Orphans' Court
29 to be necessary for the purpose of examining witnesses or hearing arguments in a
30 cause depending before [said] THE Orphans' Court, on which occasion they may
31 adjourn from day to day in any week, as long as it may be necessary in the trial of
32 such cause.

1 TITLE 3. County Commissioners.

2 SUBTITLE 1. GENERAL PROVISIONS.

3 [3-1.] 3-101. Number, compensation; expense allowance (County Commissioners).

4 (a) There are three County Commissioners for Carroll County.

5 (b) Each County Commissioner is entitled to:

6 (1) A salary of \$32,500 a year; and

7 (2) An allowance for expenses incurred in the performance of the duties
8 of that office, as provided in the county budget.

9 [3-2.] 3-102. Borrowing power.

10 The County Commissioners of Carroll County shall be authorized and
11 empowered to borrow from time to time upon the credit of [said] THE county [such]
12 THE sum or sums of money as in their discretion may be deemed necessary, provided
13 such loan or loans shall not exceed a total of one million two hundred and fifty
14 thousand dollars (\$1,250,000) at any one time.

15 [3A-1.] 3-103. County Flag.

16 The official flag of Carroll County, Maryland, is described as a silhouette of the
17 County Seal on a white field having a border on three sides of blue, with the official
18 seal of Carroll County, consisting of three concentric circles, one with a band of red
19 forming the outer circle, the second separated from the first by a ring of white and
20 formed by a broad band of blue with the inscription "Carroll County, Maryland" in
21 white inserted between the inner and outer circles on the band of blue which forms
22 the second circle also having two white stylized six-leaved blossoms located, one each,
23 on opposite sides of the same space between the inner and outer circles, and a third
24 and inner circle separated from the second by a ring of white and formed by a ring of
25 black within which is a replica in brown of the four-horse freight wagon with white
26 cover with the year 1837 imposed above the wagon, this year being the time of the
27 creation of Carroll County from parts of Frederick and Baltimore Counties.

28 [3A-2.] 3-104. County Seal.

29 The official seal of Carroll County, Maryland, consists of three concentric circles,
30 with the inscription "Carroll County Maryland" inserted between the inner and
31 middle circles also having two stylized six-leaved blossoms located, one each, on
32 appropriate sides of the same space between the inner and middle circle, also within
33 the inner circle is a replica of the four-horse freight wagon with the year 1837
34 imposed above the wagon, this year being the time of the creation of Carroll County
35 from parts of Frederick and Baltimore Counties.

1 [3A-3.] 3-105. Same.

2 The official flag and seal of Carroll County, Maryland, described above, shall
3 replace and supersede any other flag and seal previously enacted and displayed by
4 Carroll County.

5 [3-18.] 3-106. Abatement of nuisances.

6 (a) In this section, "Notice" means delivering to the owner or occupant of
7 property a written order to abate.

8 (b) The County Commissioners may remove any nuisance or menace to the
9 public health or safety arising from the growth of weeds, the accumulation of refuse,
10 an abandoned well, the presence of stagnant water, or the presence of combustible
11 material after 10 days' advance notice to the owner or occupant of the property upon
12 which the nuisance or menace is found. Notice may be given by personal service or by
13 mail. If the written order is delivered by mail, notice is effective at the end of the
14 known fifth day after its deposit in the mail to the last known address of the owner or
15 occupant of the property concerned.

16 (c) If the County Commissioners remove any nuisance or menace to the public
17 health or safety as described in subsection (b), the reasonable costs of the removal
18 shall be assessed against the property as a special tax.

19 (d) A property owner aggrieved by the assessment of a special tax against his
20 property, as provided in this section, may petition the County Commissioners for
21 relief. Upon the receipt of a petition, the County Commissioners shall conduct a
22 hearing within 30 days of the receipt to determine the propriety and reasonableness
23 of the assessment. At the hearing, the burden shall be upon the petitioner to show
24 good cause why the assessment should not be made. The assessment shall be added to
25 the annual tax bill against the property to be collected in the same manner as
26 ordinary taxes are collected and subject to the same interest and penalty for
27 nonpayment, as provided by law for the nonpayment of County taxes. The special tax
28 shall constitute a lien against the property from the date of assessment until paid.

29 (e) For properties larger than 1 acre, removal of weeds, as contemplated by
30 this section, shall be limited to the removal of any weeds within 50 feet of the nearest
31 property lines bounding the property [upon] ON which the weeds are found to
32 constitute a nuisance or menace to the public health or safety.

33 (f) The determination by the County Health Officer that a nuisance or
34 menace to the public health or safety exists by reason of the growth of weeds,
35 accumulation of refuse, an abandoned well, the presence of stagnant water, or the
36 presence of combustible material shall be final and constitute prima facie proof that
37 [such] THE nuisance or menace exists. It shall be the duty of the County Health
38 Officer to investigate all complaints of a nuisance or menace to the public health or
39 safety, as described in this section.

40 (g) If for any reason the County Health Officer refuses or fails to investigate a
41 complaint of nuisance due to the growth of weeds, the County may investigate the

1 complaint and may, on a determination that the vegetation is lawn or weeds and is at
2 or exceeds a height of 12 inches, determine the growth to be weeds which constitute a
3 nuisance under the provisions of this section.

4 (h) Lands that are enrolled in a State or Federal program that removes the
5 land from crop production for a specified period of time and that has caused the lands
6 to be established and maintained in plant cover to conserve soil, improve wildlife
7 habitat, or serve other public benefit purposes may not be determined to have on
8 them the growth of weeds for purposes of this section. The responsibility for
9 undesirable plant control of these lands shall be that of the State or Federal agency
10 administering the applicable program.

11 [3-22.] 3-107. Building permits.

12 (a) Required; exceptions. [Prior to] BEFORE commencing the erection,
13 construction, repair, alteration, or remodeling of any building or structure, a person,
14 firm, or corporation shall make application to the Supervisor of Assessments for
15 Carroll County for a building permit. No erection, construction, repair, alteration, or
16 remodeling shall be undertaken until a building permit has been obtained. However,
17 the County Commissioners of Carroll County may adopt regulation exempting from
18 the provisions of this section any erection, construction, repair, alteration, or
19 remodeling that they shall designate where the value does not exceed \$500.

20 (b) Application. The application for the building permit shall set forth in detail
21 the location of the land, the size and approximate value of the building or structure to
22 be erected, constructed, repaired, altered or remodeled.

23 (c) Effect. A building permit issued under this section shall be subject to all
24 regulations pertaining to health, zoning, subdivision, housing, building, plumbing
25 and electrical codes or regulations which are effective on the date on which the
26 building permit is issued. No building permit issued under this section shall be valid
27 for more than one year from the date on which it is issued.

28 (d) Fees; posting. The County Commissioners of Carroll County may prescribe
29 the charging of a fee for the issuance of a building permit, and the amount of the fee
30 shall be determined according to the cost to the County of administering the health,
31 zoning, subdivision housing, building, plumbing and electrical codes or regulations.
32 The County Commissioners, in their discretion, may prescribe rules and regulations
33 for the posting of the building permit upon the property on which the erecting,
34 constructing, repairing, altering or remodeling is to be undertaken.

35 (e) Penalty; provisions. If any person, firm or corporation shall proceed to
36 erect, construct, repair, alter or remodel any building or structure, or part, without
37 first having obtained a building permit, as required, he shall be guilty of a
38 misdemeanor, and upon conviction before a court of competent jurisdiction shall be
39 fined not more than \$100 and costs. This fine shall be in addition to any fee charged
40 for obtaining the building permit required under this section.

1 [3-23.] 3-108. Building, plumbing, electrical codes.

2 (a) The County Commissioners of Carroll County are authorized to adopt and
3 to promulgate, and from time to time to amend, revise, rescind or change, (1) a
4 building code, to provide for the construction, maintenance and repair of any and all
5 buildings and structures located within the County; (2) a plumbing code, to provide
6 for the construction, maintenance and repair of pipes and all other manner of fixtures
7 and devices for the plumbing, water and sewerage facilities in or about all buildings
8 and structures located within the County; and (3) an electrical code, to provide for the
9 installation, construction, maintenance and repair of all types of electrical equipment,
10 fixtures, appliances, and devices. In either instance, the County Commissioners are
11 authorized (1) to include provisions and requirements reasonably designed to secure
12 and preserve the public health, safety and convenience and (2) to provide for the
13 appointment and employment of inspectors and other employees to enforce and
14 administer the code, and to provide penalties for a violation of the code.

15 (b) For Carroll County, the regulations shall require that all utility work,
16 meaning the installation of waterlines, sanitary sewers, storm drainage and related
17 appurtenances, done from the property line of any property to a point not less than
18 five feet from the foundation wall of any building or structure on the property shall be
19 performed only under a valid permit and by a utility contractor who is licensed under
20 [Article 56, §180] § 17-602 OF THE BUSINESS REGULATION ARTICLE OF THE
21 ANNOTATED CODE OF MARYLAND or by a licensed master plumber. The provisions of
22 this subsection shall prevail, notwithstanding any other provisions of law.

23 [3-23A.] 3-109. Agricultural uses preferred.

24 In all conservation and agriculture zoning, the preferred use is agriculture. The
25 operation at any time of any machinery used in farming procedures and all other
26 agricultural operations shall be permitted and have preference over all other uses.

27 [3-78.] 3-110. Water resources.

28 (a) The County Commissioners of Carroll County may:

29 (1) Develop, administer, and enforce a program to protect ground and
30 surface water resources through land use or other ordinances, regulations,
31 resolutions, or policies which do not duplicate or conflict with statutory programs
32 occupied by the provisions of the Environment and Natural Resources Articles of the
33 Annotated Code of Maryland[.];

34 (2) Enact or adopt any ordinance, regulation, resolution, or policy which
35 is needed to administer the program. Ordinances, regulations, resolutions, or policies
36 not pertaining to land use shall be enacted or adopted with the advice and consent of
37 the Secretary of the Department of the Environment and the Secretary of the
38 Department of Natural Resources[.];

39 (3) Provide for penalties for violations of any ordinance, regulation,
40 resolution, or policy which is enacted or adopted under this section[.]; OR

1 (4) Appoint a Carroll County Water Resources Commission to assist and
2 advise the County Commissioners in the development, administration, and
3 enforcement of the program.

4 [3-79.] 3-111. Disposition of property of evicted tenants.

5 (a) In this section, "Highway" has the meaning stated in § 8-101 of the
6 Transportation Article of the Annotated Code of Maryland.

7 (b) (1) If personal property, including furniture, implements, tools, goods,
8 effects, or other chattel removed from a landlord's property under an eviction of a
9 tenant remain on or near a public highway for more than 72 hours, the personal
10 property shall be deemed abandoned.

11 (2) The County Commissioners may move the personal property to a
12 landfill or, after making the personal property available for at least 7 days to the
13 tenant to repossess, otherwise dispose of the personal property.

14 [3-80.] 3-112. County markets.

15 (a) Subject to subsection (b) of this section, the County Commissioners may
16 build, lease, purchase, or otherwise establish and operate public markets in the
17 County.

18 (b) (1) The County may not establish a market within the boundaries of any
19 municipal corporation in the County.

20 (2) If a market established by the County is operating on land that is
21 subsequently annexed by a municipal corporation, the County may continue to
22 operate the market.

23 (c) The County Commissioners may adopt regulations to carry out this
24 section.

25 [3-81.] 3-113. Right to farm.

26 (a) Subject to subsection (b) of this section, the County Commissioners may
27 adopt ordinances or regulations, or take any other action that the County
28 Commissioners consider necessary, to protect a person's right to farm or to engage in
29 agricultural operations.

30 (b) Before adopting ordinances or regulations or taking other action under this
31 section, the County Commissioners shall hold a public hearing and shall provide
32 notice of the hearing in accordance with the procedures in Article 25, § 3(r) of the
33 Annotated Code of Maryland.

SUBTITLE 2. PURCHASE PROPERTY; LEVYING POWER.

1 [3-3.] 3-201. Levy for Historical Society.

2 The County Commissioners of Carroll County are [hereby] authorized to levy
3 annually [such] a sum [as they may deem] THAT IS reasonable or necessary for the
4 use and benefit of the Historical Society of Carroll County, Maryland, Inc.

5 [3-4.] 3-202. Same; purchase of property.

6 The County Commissioners of Carroll County are authorized to purchase
7 property for the use of the Historical Society of Carroll County, Inc., and to expend
8 [therefor] a sum FOR THE PROPERTY not to exceed \$30,000. The Commissioners are
9 also authorized to grant the title to [such] THE property to The Historical Society of
10 Carroll County, Inc., without consideration.

11 [3-5.] 3-203. Levy for retarded children; construction.

12 The County Commissioners of Carroll County are authorized to levy [such] a
13 sum as they deem reasonable or necessary to be appropriated to the Carroll County
14 Association of Retarded Children, Inc., to be used for construction purposes.

15 [3-6.] 3-204. Same; unspecified.

16 The County Commissioners may appropriate a sum to be paid to the Carroll
17 County Association for Retarded Children to be determined by the County
18 Commissioners.

19 [3-7.] 3-205. Levy for Children's Aid Society.

20 The County Commissioners of Carroll County are authorized to levy annually
21 and collect from the assessable property in Carroll County, as other taxes are levied
22 and collected, a sum not to exceed 1per \$100.00 of the value of [such] THE property,
23 which sum of money the [said] County Commissioners shall pay to the Carroll
24 County Children's Aid Society.

25 [3-8.] 3-206. Levy for volunteer fire companies.

26 (a) The County Commissioners of Carroll County shall annually levy and
27 collect from the assessable property in Carroll County, as other taxes are levied and
28 collected, a sum of money that is needed for the County Commissioners to distribute
29 and pay to the volunteer fire companies, except as noted in [Section 3-8(B)]
30 SUBSECTION (B) OF THIS SECTION, in the County for the support, maintenance,
31 equipment (including ambulances) and operation of the volunteer fire companies. The
32 sum of money authorized by this [subsection] SECTION shall be proportioned and
33 distributed among the volunteer fire companies pursuant to a plan adopted by the
34 executive committee of the Carroll County Volunteer Firemen's Association and
35 approved by the County Commissioners.

1 (b) The County Commissioners shall provide service award payments from
2 appropriations as provided for in Subsection (a) of this Section to eligible volunteer
3 firemen as certified by the Carroll County Volunteer Firemen's Association. The
4 payments shall be made to those individuals who have met the adopted plan
5 requirements as approved by the County Commissioners. The service award
6 payments may be made monthly by the County directly to eligible recipients.

7 [3-9.] 3-207. Hospital appropriation.

8 The County Commissioners of Carroll County may appropriate to the Carroll
9 County General Hospital, Incorporated, over a period of five years commencing July
10 1, 1976, for the purpose of aiding in the expansion of the hospital, a sum of money not
11 to exceed \$500,000. This money is to be paid to the hospital in the installments and
12 under the conditions that the County Commissioners deem appropriate.

13 [3-10.] 3-208. Purchase of quarries.

14 The County Commissioners of Carroll County are [hereby] authorized and
15 empowered to purchase [such] A quarry or quarries and [such] land or lands
16 containing deposits of gravel or stone as, in their judgment and discretion, may seem
17 desirable in order to secure gravel and stone for use in improving the roads of the
18 County, and to levy [such] taxes as may be necessary to pay for the [same]
19 PURCHASE. [They] THE COUNTY COMMISSIONERS shall also have the power to sell
20 any or all of the land or lands [so] purchased, when not needed for securing gravel or
21 stone.

22 [3-11.] 3-209. Payments for Judge's office.

23 The County Commissioners shall levy annually and collect from the assessable
24 property in Carroll County, as other county taxes are levied and collected, [such] THE
25 sum or sums of money as in their discretion, may from time to time be necessary for
26 the stamps, stationery, mileage and other reasonable expenses incident to the office of
27 the [Judge] JUDGES of the Circuit Court for Carroll County.

28 [3-12.] 3-210. Payments for hospital.

29 The County Commissioners may appropriate \$200,000 each fiscal year for 5
30 fiscal years beginning July 1, 1992, to the Carroll County General Hospital, Inc., for
31 Capital Improvements. The County Commissioners may levy annually and collect
32 from the assessable property in Carroll County, as other County taxes are levied and
33 collected the amount necessary for this appropriation.

34 [3-13.] 3-211. War Memorial Medical Center.

35 (a) Acceptance of title. The County Commissioners of Carroll County are
36 [hereby] authorized and directed to accept, in fee simple, title to [such] THE Carroll
37 County War Memorial Medical Center as the Carroll County War Memorial
38 Committee may erect in [said] THE County; provided, however, that [such] THE War
39 Memorial Medical Center shall not be accepted by [said] THE County Commissioners
40 until the [same] WAR MEMORIAL MEDICAL CENTER shall have been fully and

1 completely constructed, equipped and entirely paid for[; and the said]. THE County
2 Commissioners of Carroll County are further authorized to levy annually, on the
3 assessable property of [said] THE County [such] A sum as they may deem necessary
4 for public health purposes, including the cost of maintenance and operation of the
5 [aforesaid] Carroll County War Memorial Medical Center.

6 (b) Conveyance to hospital. The County Commissioners of Carroll County are
7 [hereby] authorized and empowered to lease, dedicate, or convey, with or without
8 consideration, the land and buildings known as the Carroll County War Memorial
9 Medical Center to the Carroll County General Hospital, Incorporated, its successors
10 and assigns, for use as a hospital and for medical purposes only[; said], WITH THE
11 property [to revert] REVERTING to the grantor, the County Commissioners, upon the
12 cessation of the use of [said] THE property for hospital and medical purposes.

13 (c) (1) Subject to paragraph (2) of this subsection, the County
14 Commissioners, by ordinance or resolution, may waive the possibility of reverter
15 interest that the county retains in the Deed of Resolution of November 3, 1959. The
16 Deed of Resolution grants to Carroll County General Hospital, Inc. the land and
17 improvements on the land known as the Carroll County General Hospital. The sole
18 purpose of the waiver of the possibility of reverter interest shall be to give the Carroll
19 County Bank and Trust Company an acceptable security interest for a \$3,000,000
20 loan between the Carroll County Bank and Trust Company, as mortgagee, and Carroll
21 County General Hospital, Inc., as mortgagor.

22 (2) The waiver of the possibility of reverter interest shall apply only to
23 the Carroll County Bank and Trust Company for a \$3,000,000 loan to Carroll County
24 General Hospital, Inc., and shall be subject to the condition that the Carroll County
25 Bank and Trust Company, in the event of foreclosure on the mortgage, will restrict the
26 sale of the [described] property to an entity that would use the facility for hospital or
27 medical purposes only. The waiver of the possibility of reverter interest shall include
28 any additional restrictions that the County Commissioners consider proper.

29 [3-16.] 3-212. Medical scholarships.

30 The County Commissioners of Carroll County are authorized to levy and pay not
31 more than one thousand dollars (\$1,000.00) per year towards the cost of tuition,
32 board, books and other expenses for each of not more than three students of medicine
33 from Carroll County to be selected and appointed by [said] County Commissioners in
34 [such] THE manner [as they] THAT THE COUNTY COMMISSIONERS may determine;
35 provided, that the [said] appointment shall not be held by the same student for more
36 than four years and that each student receiving such appointment shall give bond to
37 the [said] County Commissioners for [such] THE amount, with [such] security as
38 may be approved by [said] County Commissioners, that [he] THE STUDENT will
39 reside and practice medicine within Carroll County for not less than five years after
40 leaving medical school; and provided further, that the powers [herein] conferred
41 [upon] ON the [said] County Commissioners shall be continuing and may be
42 exercised from time to time, except that [such] THE payments shall not be made for
43 more than three students of medicine in any year.

1 [3-20.] 3-213. Acquisition of property.

2 (a) Powers to acquire.

3 (1) The County Commissioners are authorized to acquire by purchase,
4 lease, gift, devise or by any other legal means real or leasehold property, to be used for
5 public purposes in the County, including any rights or interests [therein] IN THE
6 PROPERTY, and together with any improvements [thereon] ON THE PROPERTY, and
7 to enter into any agreements, contracts or leases which may be necessary to
8 [effectuate the same] ACQUIRE THE PROPERTY.

9 (2) The County Commissioners may acquire property to be used for
10 public water supply and sewage disposal by condemnation.

11 (b) The County Commissioners are authorized to lease any public property or
12 facilities owned or acquired by the County to any board, agency, department or other
13 public body for use by any board, agency, department or other public body in
14 connection with the construction, operation or maintenance of any public facilities
15 which the board, agency, department or other public body is now or may be
16 empowered to construct, operate or maintain. The County Commissioners may enter
17 into any and all agreements with [such] ANY board, agency, department or other
18 public body of the County for the leasing of any property or facilities and provide in[
19 such] THE agreements, the terms and conditions upon which the property or facilities
20 shall be leased, constructed, operated or maintained.

21 (c) (1) If the County Commissioners determine that real property is no
22 longer needed for a public purpose, the property may be transferred with or without
23 consideration to a private nonprofit corporation in the County that is authorized to
24 receive appropriations from the County.

25 (2) The property may be transferred, subject to those conditions,
26 covenants, and restrictions deemed appropriate by the Commissioners, after a public
27 hearing is held at which the Commissioners solicit and receive comments concerning
28 the transfer.

29 (3) Notice of the hearing shall be advertised in at least 1 newspaper
30 having general circulation in the county at least once each week for 2 consecutive
31 weeks, the last of which advertisement may not appear later than 1 week prior to the
32 hearing.

33 (4) The County Commissioners shall have an appraisal made of the
34 property the result of which shall be included in the notice of public hearing.

35 (5) In this section "private nonprofit corporation" means an exempt
36 organization as defined in Title 26 U.S.C.S., Section 501(c)(3) of the Internal Revenue
37 Code of the United States.

SUBTITLE 3. APPOINTMENTS.

2 [3-14.] 3-301. Special police officer.

3 (A) The County Commissioners of Carroll County are [hereby] authorized and
4 empowered to employ a competent [man] PERSON to serve as special police officer of
5 Carroll County at a salary to be fixed by [said] THE County Commissioners, payable
6 monthly[, the man so].

7 (B) THE PERSON appointed [to] SHALL be capable of doing finger print and
8 identification, criminal investigation and detective work, and [to] be sworn in by and
9 perform [his] THE PERSON'S duties under the direction and supervision of the
10 County Commissioners, in cooperation with the State's Attorney for Carroll County.
11 The [said] special police officer shall have and exercise all the powers and
12 jurisdiction of the regular law enforcement officers within the limits and confines of
13 [said] Carroll County. If the [said] County Commissioners, in their discretion, shall
14 appoint a special police officer, they may designate [him] THE SPECIAL OFFICER to
15 act as inspector for the Board of License Commissioners, with all the powers which
16 inspectors of Boards of License Commissioners have under the general law.

17 (C) The County Commissioners shall pay in addition to the salary [afore]
18 UNDER SUBSECTION (A) OF THIS SECTION the necessary expenses, not exceeding
19 however twenty-five dollars (\$25.00) per month, incurred by special officer in the
20 performance of [his] THE SPECIAL OFFICER'S official duties, and shall levy for the
21 [same] SALARY as general expenses of the county. All bills for [such] THE expenses
22 of THE officer must be verified by [his] AN affidavit and presented direct to the
23 County Commissioners on forms in use by [them] THE COUNTY COMMISSIONERS,
24 and any false swearing in [such] THE affidavit shall be deemed perjury and be
25 punished as [such] PERJURY.

26 [3-15.] 3-302. Executive Assistant.

27 (a) The County Commissioners of Carroll County are [hereby] authorized to
28 appoint an executive or administrative assistant to the County Commissioners, who
29 shall receive [such] THE compensation and have [such] THE powers and duties as
30 [shall be] determined and prescribed by [said] THE Commissioners. The executive or
31 administrative assistant shall be appointed to a term of 4 years which shall begin
32 July 1 of the year following the last general election at which the Board of County
33 Commissioners was elected, and shall be eligible to reappointment by any successor
34 Board. The person so selected shall be a registered voter and taxpayer in Carroll
35 County. After [his] THE PERSON'S appointment by [said] THE Commissioners, [he]
36 THE PERSON shall take the oath prescribed by Section 9 of Article I of the
37 Constitution of Maryland, and may be required to give bond for the faithful
38 performance of the duties of [his] THE PERSON'S office in [such penalty as] THE
39 AMOUNT THAT the Commissioners may prescribe, and [his] THE PERSON'S services
40 in such office may be terminated at any time by Commissioners upon not less than
41 two months' written notice, except that, in the case of termination for cause, the
42 termination shall take effect immediately.

1 (b) Qualifications. The executive assistant shall be selected for the position on
2 the basis of merit, shall have had a minimum of seven years' experience in municipal
3 administration or similar-type business administrative functions. Each year of
4 education at a recognized college or university in business or public administration or
5 in another field which may be approved by the County Commissioners may be
6 substituted for one year of experience in arriving at the minimum years of experience
7 required to qualify for the position of executive assistant.

8 (c) Powers and duties. The executive assistant shall have [such] THE powers
9 and duties [as] prescribed by [said] THE County Commissioners including;
10 supervision and coordinating those general policies and instructions of the County
11 Commissioners with respect to the several departments or administrative agencies of
12 the County, the representation of the County Commissioners as liaison officer at
13 those departmental and administrative agencies having functions affecting Carroll
14 County, and to recommend to the County Commissioners from time to time policies,
15 regulations or procedures which will aid in increased efficiency in the administration
16 of the county's affairs.

17 (d) Same; Clerk to County Commissioners. The County Commissioners may
18 authorize the executive or administrative assistant to serve as Clerk to the County
19 Commissioners. [He] THE EXECUTIVE OR ADMINISTRATIVE ASSISTANT shall give
20 [his] THE PERSON'S personal attendance at the office of the County Commissioners
21 during business hours. [He] THE EXECUTIVE OR ADMINISTRATIVE ASSISTANT is
22 authorized to administer an oath or affirmation to any person presenting a claim to
23 the Commissioners against the County. In no case shall the executive or
24 administrative assistant hold any other county job.

25 (e) Deputy. The County Commissioners shall have full authority to make a
26 temporary appointment of a deputy administrative assistant to perform the duties of
27 the executive or administrative assistant in the event that illness or other just causes
28 render [him] THE EXECUTIVE OR ADMINISTRATIVE ASSISTANT unable to perform
29 [his] THE PERSON'S duties as defined by law.

30 [3-15A.] 3-303. County Attorney.

31 (a) The County Commissioners are [hereby] authorized to appoint a County
32 Attorney, who shall receive [such] THE compensation and have [such] THE powers
33 and duties as shall be determined and prescribed by the Commissioners. The County
34 Attorney shall be appointed to a term of 4 years which shall begin on July 1 of the
35 year following the general election at which the Board of County Commissioners was
36 elected, and shall be eligible for reappointment at the conclusion of [his] THE
37 COUNTY ATTORNEY'S term of office. The person so appointed shall be a registered
38 voter and taxpayer in Carroll County. After [his] THE COUNTY ATTORNEY'S
39 appointment, [he] THE COUNTY ATTORNEY shall take the oath prescribed in Section
40 9 of Article I of the Constitution of Maryland. The Commissioners may terminate
41 [his] THE COUNTY ATTORNEY'S services [in such office] at any time upon not less
42 than 2 months' written notice, except that, in the case of termination for cause, the
43 termination shall take effect immediately.

1 (b) The County Attorney shall have been a member of the Maryland Bar for at
2 least 3 years.

3 (c) The County Attorney shall have [such] THE powers and duties as
4 prescribed by the County Commissioners including: (1) advise the agencies of the
5 County and the County Commissioners, when requested, upon all legal questions
6 arising in the conduct of County business; (2) prepare or revise ordinances and
7 resolutions when requested; (3) give [his] AN opinion upon any legal matter or
8 question submitted to [him] THE COUNTY ATTORNEY by the Commissioners, or upon
9 the interpretation of any County ordinance or resolution when requested by any
10 agency or officer of the County; (4) attend all meetings of the County Commissioners
11 when requested; (5) prepare or approve for execution all contracts or instruments to
12 which the County is a party and shall approve all bonds required to be submitted to
13 the County; (6) prosecute and defend any and all writs or actions at law or in equity
14 to which the County is a party, or may be interested; (7) have charge of all legal
15 services rendered by others on behalf of the County; and (8) appoint such assistants
16 and deputies as are approved by the County Commissioners, who, when approved,
17 may act for [him] THE COUNTY ATTORNEY with [such of these] THE powers as [he]
18 THE COUNTY ATTORNEY may delegate to them.

19 [3-15B.] 3-304. County Clerk.

20 (a) The County Commissioners are [hereby] authorized to appoint a County
21 Clerk, who shall receive [such] THE compensation and have [such] THE powers and
22 duties as shall be determined and prescribed by the Commissioners. [He] THE
23 COUNTY CLERK shall be appointed to a term of 4 years which shall begin on July 1 of
24 the year following the general election at which the Board of County Commissioners
25 was elected, and shall be eligible for reappointment at the conclusion of [his] THE
26 COUNTY CLERK'S term of office. The person so appointed shall be a registered voter
27 and taxpayer in Carroll County. After [his] THE COUNTY CLERK'S appointment, [he]
28 THE COUNTY CLERK shall take the oath prescribed in Section 9 of Article I of the
29 Constitution of Maryland. The Commissioners may terminate [his] THE COUNTY
30 CLERK'S services in such office at any time upon not less than 2 months' written
31 notice, except that, in the case of termination for cause, the termination shall take
32 effect immediately.

33 (b) The County Clerk shall have [such] THE powers and duties as prescribed
34 by the County Commissioners including: (1) seal and attest all contracts and such
35 other documents of the County which require this formality; (2) keep a record of all
36 ordinances and resolutions adopted by the County Commissioners, the minutes of the
37 meetings of the County Commissioners, and [such] other records as required by the
38 County Commissioners; (3) be the custodian of the seal and affix its impression on
39 documents whenever this is required; (4) be the custodian of all documents belonging
40 to the County which are not assigned to the custody of some other officer; and (5)
41 perform such other duties and functions as may be required by the County
42 Commissioners.

43 (c) Whenever the office of County Clerk is vacant, the County Commissioners
44 may appoint a successor to the remainder of the term; or if the County Clerk be

1 absent at any time for any reason, the County Commissioners may appoint a
2 temporary replacement, who shall be a county officer or employee, and who shall
3 serve without additional compensation.

4

SUBTITLE 4. CONTRACTS AND PURCHASES.

5 [3-17.] 3-401. Contracts and purchases.

6 In contracting for any necessary public work or improvement or for the purchase
7 of supplies and equipment needed at any time by the several departments of the
8 County, the County Commissioners of Carroll County may enter into contracts for
9 [said] public work or improvement and may purchase [said] supplies and equipment
10 on an order passed by the County Commissioners provided that the cost of the public
11 work or improvement or the purchase price of the supplies and equipment does not
12 exceed \$12,000.00. When the cost of any project for public work or improvement, or
13 the purchase price of any supplies and equipment exceeds \$12,000.00, except in
14 emergencies or when there is a sole source of supply, the Clerk to the County
15 Commissioners shall advertise for one week in not less than two newspapers
16 published in Carroll County for bids to perform the public work or improvement or to
17 furnish the supplies and equipment, which advertisement shall state the date, time
18 and place of opening of the bids; and the bids shall be opened in the presence of the
19 Clerk to the County Commissioners, and the County Commissioners of Carroll
20 County shall award the contract to the lowest responsible bidder whose bid is
21 considered reasonable, or in its discretion, may reject any or all bids. The County
22 Commissioners may authorize nonprofit entities that are funded by the County or
23 eligible to receive County funds, to participate in County procurement contracts.

24

SUBTITLE 5. ECONOMIC DEVELOPMENT COMMISSION.

25 [3-21.] 3-501. [Economic Development Commission.] CREATED.

26 [(a) Created.] The Economic Development Commission of Carroll County is
27 created for the purpose of advancing the general welfare of the people through
28 programs and activities to develop Carroll County's natural resources and economic
29 opportunities pertaining to commerce, agriculture, forestry, transportation, travel,
30 tourism and recreation, and to cooperate and offer assistance to existing industries
31 and businesses, and to promote and encourage the establishing and locating of new
32 industries and businesses in Carroll County and other matters intended to foster and
33 develop gainful employment and the pursuit of happiness of all who are now or may
34 [hereafter be] BECOME residents of Carroll County.

35 [(b) Members.]

36 3-502. MEMBERS.

37 The Commission shall consist of at least nine members, who shall be appointed
38 by the Board of County Commissioners. The members shall represent a cross-section
39 of the economic composition of Carroll County and shall be selected because of their
40 known experience and interest in the development of Carroll County.

1 [(c) Tenure; compensation; officers; agencies.]

2 3-503. TENURE; COMPENSATION; OFFICERS; AGENCIES.

3 (A) The members of the Commission shall serve for two years from the
4 effective date of their appointment and are eligible for reappointment.

5 (B) [They] THE MEMBERS shall serve without compensation but may be
6 reimbursed for necessary travel and other expenses incurred in the performance of
7 their duties.

8 (C) The Commission shall select from its own membership a chairman,
9 vice-chairman, and a secretary-treasurer to serve a term of one year and to be
10 eligible for re-election, provided that no one person shall hold the position of
11 chairman for more than three consecutive terms. Upon the death, disability,
12 resignation, or removal of any member of the Commission, the County Commissioners
13 shall appoint a person representing the same categoric interest to serve for the
14 unexpired term. The Commission has the power to establish and appoint advisory
15 groups and committees to assist in its program of activity, and membership on
16 advisory groups and committees is not restricted solely to members of the
17 Commission.

18 [(d) Meetings.]

19 3-504. MEETINGS.

20 The Commission shall meet monthly and shall hold special meetings at the call
21 of the chairman or of any three members of the Commission. The Commission shall
22 adopt such rules and regulations as it may deem necessary to govern its procedure
23 and business.

24 [(e) Reports.]

25 3-505. REPORTS.

26 Annual reports shall be made and filed with the Board of County
27 Commissioners of Carroll County and made available to the public. The annual report
28 shall include subjects and recommendations for the improvement and advancement of
29 the economic welfare of the people of Carroll County.

30 [(f) Powers.]

31 3-506. POWERS.

32 The Commission may:

33 (1) Investigate and assemble information pertinent to the economic
34 resources and industrial opportunities of the county[.];

35 (2) Encourage location of new industrial enterprises in the county and
36 the expansions of present enterprises[.];

1 (v) state the estimated cash surplus, if any, available for
2 expenditure in any fund for the ensuing fiscal year and any estimated deficit in any
3 fund to be made up in the ensuing fiscal year[.];

4 (vi) state the bonded and other indebtedness of the County
5 government and its agencies, including self liquidating and special taxing district
6 debt and contingent liabilities[.];

7 (vii) state the contingency reserves to be budgeted for each fund[.];

8 (viii) contain any other information the County Commissioners may
9 deem advisable[.];

10 (ix) be balanced as to revenues and expenditures for all funds[.];

11 AND

12 (x) provide for a current expense budget and a capital budget and
13 capital program, which shall set forth clearly the plan of proposed capital projects to
14 be undertaken in the ensuing fiscal year and the next five fiscal years and the
15 proposed means of financing the same. The capital budget shall include a statement
16 of the receipts anticipated during the ensuing fiscal year from all borrowing and from
17 other sources for capital projects[.];

18 (7) Provide for public hearings on the budget[.];

19 (8) Provide for an annual budget and appropriation ordinance, the fixing
20 of appropriate levies, fees and charges by ordinance to keep the budgets in balance
21 and bond issue authorization resolutions pursuant to enabling laws in force to provide
22 for projects to be financed from borrowing[.];

23 (9) Provide for the enacted budget to be reproduced and available to the
24 public upon request[.];

25 (10) Provide for the allotment of appropriations to control the rate of
26 expenditure and prevent deficits[.];

27 (11) Fix the accounting of the budget upon the cash, modified accrual or
28 accrual basis[.];

29 (12) Provide for the control of the transfer of appropriations[.];

30 (13) Provide for revenue and expenditure account classifications so as to
31 ensure a uniform system of accounting and for accounting for public service
32 enterprises[.];

33 (14) [Provided] PROVIDE that no liability, obligation or contract shall be
34 incurred unless the funds [therefor] have been appropriated, that any liability,
35 obligation or contract so entered into shall be null and void and that any officer or
36 employee responsible for same shall be subject to penalties including removal from
37 office[.];

1 (15) Provide that no contract for the purchase of real or leasehold property
2 shall be made unless the funds are included in the capital budget[.];

3 (16) Provide that any amendment to a capital budget during the course of
4 the fiscal year will not increase the total of appropriations [therefor] nor be made
5 without the written consent [thereon] of the Planning and Zoning Commission[.];

6 (17) Authorize a reserve fund for self insurance of county property and
7 other reserves as required by generally accepted accounting procedures into which
8 funds may be allocated from the annual budget and appropriation ordinance. The
9 County Commissioners shall establish a limit as to the maximum amount of the self
10 insurance fund and may amend the limit from time to time to reflect the
11 requirements of the fund. When the limit of the fund is reached, the annual
12 appropriation shall replace payments made because of claims against the fund[.];

13 (18) Provide for supplemental and emergency appropriations[.];

14 (19) Provide that the surplus funds of the county, whether from
15 unexpended appropriations or from revenue collections in excess of the revenue
16 estimates, shall be included as a revenue for the budget for the next fiscal year. The
17 surplus shall include:

18 (i) The actual surplus for the prior fiscal year less the anticipated
19 surplus, if any, used to fund the current year's budget;

20 (ii) An estimate of the anticipated surplus for the current fiscal
21 year; and

22 (iii) Any unexpended funds from the proceeds of a bond issue, if the
23 legislation authorizing the issuance of bonds does not provide for the utilization of
24 unexpended funds[.];

25 (20) Provide that the County operating or capital budget may be amended
26 to reflect the receipt of grant funds from the State, Federal Government, or a
27 nonprofit source in any fiscal year in which the grant funds are received but were not
28 included in the current operating or capital budgets or received after the adoption of
29 the current operating or capital budgets[.]; AND

30 (21) Provide that, notwithstanding other requirements of this section, the
31 County Commissioners may acquire real or personal property under installment,
32 lease-purchase, or similar long-term arrangements by appropriating funds for each
33 year sufficient to meet the contractual obligations for that year. However, the County
34 Commissioners may not obligate more than \$5,000,000 under these arrangements at
35 any one time.

36 [3-63.] 3-602. County Treasurer's office abolished.

37 Notwithstanding any provision of public local law to the contrary, the County
38 Commissioners are empowered to organize, assign and reassign the functions of
39 budgeting, accounting, purchasing, disbursing, tax and revenue collection, investing,

1 debt management, property, transfer records, data processing, auditing and other
2 fiscal functions including the duties of the County Treasurer and the collector of state
3 taxes among [such] county employees, officers and units of organization as they
4 deem proper. At the end of the current term of the incumbent County Treasurer that
5 office shall stand abolished.

6 [3-64.] 3-603. Requirements for appropriations, revenues.

7 (a) Appropriations. Any department, board, commission, agency or court, or
8 any private organization, corporation or individual seeking county funds shall submit
9 to the County Commissioners such justification, financial data or other information
10 as the County Commissioners shall require and after expenditure of [such] THE
11 appropriation, if any, shall submit [such] THE information or be subject to audit as
12 the County Commissioners may direct.

13 (b) Revenues. All revenues and other receipts due the County or its agencies
14 shall be paid into the County Treasury into the appropriate fund [therefor] and no
15 money shall be drawn from the County Treasury except in consequence of an
16 appropriation made in accordance with law.

17 [Electrical Business]

18 SUBTITLE 7. ELECTRICAL BUSINESS.

19 [3-65.] 3-701. Regulation of electrical licenses.

20 The County Commissioners of Carroll County are [hereby] authorized and
21 empowered to make and from time to time amend, supplement and repeal, rules and
22 regulations for the issuance of licenses to conduct electrical business [within] IN
23 Carroll County. [Such] THE rules and regulations shall define electrical work to be
24 covered and may also provide for examinations of applicants, issuance of work
25 permits, inspection and enforcement of [such] THE work, and [such] other
26 requirements as may be determined necessary to supervise and control the conduct of
27 the electrical business in the public interest. The [said] Commissioners may also
28 provide for a five member electrical board which shall, if appointed, advise the
29 County Commissioners and aid in the supervision and enforcement of any regulations
30 so adopted pursuant to [the authority granted herein] THIS SECTION. Two members
31 of the electrical board shall be persons who are in no way associated with, either by
32 blood or marriage, persons or corporations who are currently or within the past
33 calendar year from the date of their appointment involved in the electrical business in
34 Carroll County and who shall represent the general citizenry of [that] THE county.

[Income Deferral Plan]

SUBTITLE 8. COUNTY EMPLOYEES.

[3-66.] 3-801. Employees' income deferral plan.

(a) Authorized. Carroll County may offer to its employees a voluntary income deferral plan to allow its employees the tax benefits authorized by Section 403(e) of the Internal Revenue Code of 1954.

(b) Same; contract. Carroll County may, by contract, agree with any of its employees to defer, in whole or in part, each employee's compensation.

(c) Powers. With respect to any plan established [pursuant to paragraph (1)] UNDER SUBSECTION (A) of this [subsection] SECTION Carroll County shall have the power:

(1) To do such acts as may be necessary to implement, maintain, and administer the plan[.];

(2) To receive the amount of compensation deferred [pursuant to] UNDER the plan and to use [such] THE proceeds, in accordance with any investment election permitted the employee under the plan, to purchase a fixed or variable life insurance or annuity contract, or [such] other investment or savings options as may be permitted under the plan, all to be held by the superintending board, official, or entity. Life insurance and annuity contracts shall be purchased from insurance companies licensed to write insurance in Maryland[.]; AND

(3) To take [such] other and further actions as may be necessary to carry out the purposes of the plan.

(d) Other laws not applicable. The provisions of Article 95 of the Annotated Code and any other law limiting the types of investments which may be made of county funds or limiting or placing conditions upon the deposit of county funds are not applicable to the deposit and investment of moneys deferred pursuant to the plan, to the end that such moneys may be deposited and invested in accordance with the investment elections permitted under the plan.

[3-68.] 3-802. Settlements or judgments against County.

(a) (1) The County Commissioners may grant from the General Fund, or from funds provided [therefor] in the Budget, or from funds appropriated [therefor] to a special fund, a sum to satisfy all or part of any settlement or any judgment rendered by a court of competent jurisdiction against a county officer or county employee. The grant may include attorney's fees, or costs, or both.

(2) The County Commissioners may pay the grant in lump-sum or in installments.

(3) The County Commissioners may make the grant only:

1 (i) Upon written application to the County Commissioners
2 specifying the applicant's reasons for believing the judgment to be a County
3 responsibility;

4 (ii) Upon a hearing before the County Commissioners or a hearing
5 officer appointed by it;

6 (iii) After a written report is received from the County Attorney, if
7 the applicant is a County officer or employee and a defense was provided to the officer
8 or employee pursuant to the provisions of [§§ 3-69 through 3-76] §§ 3-803 THROUGH
9 3-810, inclusive, of this [code] SUBTITLE; and

10 (iv) After a written opinion has been filed by the County
11 Commissioners assigning its reasons for the grant or denial.

12 (4) As a condition to the payment of the grant, the County
13 Commissioners shall find that the act or omission of the County officer or County
14 employee occurred during the performance of his OR HER duties and in the scope of
15 his OR HER employment, did not amount to gross negligence, and was done without
16 malice. The finding shall be included in the written opinion of the County
17 Commissioners.

18 (b) The payment of the grant by the County Commissioners may not be
19 construed to abrogate the immunity of the State or County, or deprive any agency,
20 board, commission, department, officer or institution, or any employee thereof, of its
21 sovereign immunity. Any appeal may not be made to any court from a decision of the
22 County Commissioners pursuant to this section.

23 (c) (1) For the purposes of this section, the term "County officer" includes a
24 person who holds a position which, while acting in the performance of [his] THE
25 PERSON'S duties and within the scope of [his] THE PERSON'S employment, involves
26 the exercise of discretion and involves the discharge of a portion of the sovereignty of
27 the State or County, regardless of the amount or source of [his] THE PERSON'S
28 compensation.

29 (2) For the purposes of this section, the term "County employee"
30 includes:

31 (i) Any regular classified or unclassified employee of the County
32 for whom compensation is provided for by County appropriation or whose
33 compensation is paid, in whole or in part, from County funds;

34 (ii) Any employee subject to the jurisdiction of the County Bureau
35 of Personnel;

36 (iii) A person performing the services of a County employee on a
37 voluntary basis.

38 (3) The County Commissioners shall determine, in cases of doubt,
39 whether any person making written application under subsection (b) is a County

1 officer or County employee for the purpose of this section, regardless of the method,
2 source, or amount of compensation of the person.

3 (d) The immunities or defenses available to an individual County officer or
4 employee for [his] THE PERSON'S actions shall remain unaffected by the provisions of
5 this section.

6 [3-69.] 3-803. Criminal action against County employees.

7 (a) Subject to the provisions of [§ 3-70] § 3-804 OF THIS SUBTITLE, the County
8 Attorney, when requested in writing by any officer or employee of the County, may
9 defend any criminal action instituted in the Courts of this State or of the United
10 States against the officer or employee by reason of any act done or omitted to be done
11 without malice and in the absence of gross negligence and in the scope of employment.
12 However, if the County Attorney determines that representation is appropriate,
13 special counsel shall be appointed to appear and defend the criminal action.

14 (b) (1) Subject to the provisions of [§ 3-70] § 3-804 OF THIS SUBTITLE, the
15 County Attorney, when requested in writing by any officer or employee of the County
16 shall appear and defend any civil action or special proceeding instituted in the Courts
17 of this State or of the United States against the officer or employee by reason of any
18 act done or omitted to be done without malice and in the absence of gross negligence
19 and in the scope of his employment. The defense may be rendered by the County
20 Attorney, by an assistant, by any special counsel when directed to do so by the County
21 Attorney, or by private counsel retained by the County Attorney. The defense of the
22 case shall include the right to assert counterclaims and to engage in third party
23 practice on behalf of the officer or employee.

24 (2) Notwithstanding the provisions of Paragraph (1), the County
25 Attorney may decline to represent an officer or employee who retains private counsel.

26 (c) Nothing in this section shall be construed to deprive any officer or
27 employee of the right to select counsel of [his] THE OFFICER'S OR EMPLOYEE'S own
28 choice at [his] THE OFFICER'S OR EMPLOYEE'S own expense, nor does this section
29 prevent the County Attorney from entering [his] AN appearance in a case to protect
30 the interests of the County even though no request for such appearance has been
31 forthcoming from the officer or employee named as a defendant.

32 [3-70.] 3-804. Investigation by County Attorney.

33 [The] BEFORE UNDERTAKING ANY DEFENSE, THE County Attorney[, prior to
34 undertaking any defense,] shall conduct an investigation of the facts on which the
35 action or special proceeding is based. If the County Attorney determines that the
36 officer or employee was not acting within the scope of [his] THE OFFICER'S OR
37 EMPLOYEE'S employment or that the act or omission was malicious or grossly
38 negligent, the investigation shall proceed no further, and no defense may be provided
39 for the officer or employee pursuant to this section [and § 3-69] OR § 3-803 OF THIS
40 SUBTITLE. The investigation [herein] required may be accomplished by the County
41 Attorney, any assistant, or by any other attorney or person when directed to do so by
42 the County Attorney. If it appears that the officer or employee is covered by a policy of

1 insurance under the terms of which the carrier is required to provide counsel in these
2 actions or special proceedings, the County Attorney may terminate further
3 investigation and provide no representation for the officer or employee. Subject to the
4 provisions of this section and [§ 3-69] § 3-803 OF THIS SUBTITLE, the County
5 Attorney has sole discretion to assume the defense of any officer or employee.

6 [3-71.] 3-805. Same; reimbursement of expenses.

7 If the County Attorney determines, pursuant to [§ 3-70] § 3-804 OF THIS
8 SUBTITLE, not to assume the defense of a County officer or employee, and it is
9 judicially determined that the injuries arose out of an act or omission of the officer or
10 employee during the performance of [his] THE OFFICER'S OR EMPLOYEE'S duties and
11 within the scope of [his] THE OFFICER'S OR EMPLOYEE'S employment and that the
12 act or omission of the officer or employee was not malicious, or grossly negligent, or it
13 is established that the defense of immunity is available to the officer or employee, the
14 County is liable to the officer or employee for reasonable expenses in prosecuting
15 [his] THE OFFICER'S OR EMPLOYEE'S own defense, including court costs and
16 attorneys' fees. These expenses shall be paid with the approval of the County Attorney
17 by the agency, board, commission, or department by which the officer or employee was
18 employed at the time the act or omission complained of in the action occurred. This
19 section is not applicable if the expenses are reimbursed to the officer or employee
20 pursuant to the provisions of [§ 3-75 of this article] § 3-809 OF THIS SUBTITLE. The
21 decision of the County Attorney not to defend an officer or employee is not admissible
22 as evidence in any legal action or special proceeding and no reference [thereto] TO
23 THE DECISION may be made in any trial or hearing. In any action or proceeding
24 against an officer or employee that results in a final judgment or other disposition,
25 the court or jury shall return a special verdict in the form of written findings which
26 determine (1) if the officer or employee was acting within the scope of [his] THE
27 OFFICER'S OR EMPLOYEE'S employment; (2) if the alleged act or omission by the
28 officer or employee was malicious or grossly negligent; (3) if the defense of immunity
29 is available to the officer or employee.

30 [3-72.] 3-806. Same; confidentiality.

31 Any and all information obtained by the County Attorney by virtue of the
32 provisions of [§§ 3-69 through 3-76] §§ 3-803 THROUGH 3-810 OF THIS SUBTITLE,
33 shall be considered confidential and shall not be admissible as evidence in any legal
34 action or special proceeding, and no reference [thereto] TO THIS INFORMATION may
35 be made in any trial or hearing.

36 [3-73.] 3-807. Same; special counsel.

37 (A) The County Attorney may employ special counsel whose compensation
38 shall be fixed by the County Attorney and approved by the County Commissioners, if
39 [he] THE COUNTY ATTORNEY determines that it is impracticable or uneconomical for
40 such legal service to be rendered by [him] THE COUNTY ATTORNEY or one of [his]
41 THE COUNTY ATTORNEY'S assistants.

1 (B) The compensation for special counsel shall be paid out of the funds
2 appropriated for the administration of the agency, board, commission, or department
3 employing the officers and employees defended.

4 [3-74.] 3-808. Same; representation of employee.

5 The County Attorney, prior to the defense of an officer or employee, shall require
6 the officer or employee to enter into an agreement which provides, among other
7 things:

8 (1) The County Attorney, if [he] THE COUNTY ATTORNEY determines it
9 appropriate, may require the officer or employee to reimburse the County for all
10 expenses, including court costs and reasonable attorneys' fees, if it is judicially
11 determined that the injuries complained of did not arise out of an act or omission of
12 the officer or employee occurring during the performance of [his] THE OFFICER'S OR
13 EMPLOYEE'S duties and within the scope of [his] THE OFFICER'S OR EMPLOYEE'S
14 employment or that the act or omission of the officer or employee was malicious or
15 grossly negligent, and the defense of immunity as to the officer or employee is not
16 available; but such reimbursement may not be required if the information provided to
17 the County Attorney by the officer or employee was complete and was neither false
18 nor misleading. These costs constitute a debt due to the County and may be collected
19 by appropriate judicial proceedings.

20 (2) That, if a judgment is rendered against the officer or employee, the
21 County, its agency, board, commission, or department thereof, is not responsible for
22 the payment of the judgment, and the legal representation by the County Attorney,
23 [his] THE COUNTY ATTORNEY'S assistants, or special counsel of an officer or
24 employee in no manner constitutes an obligation on the part of the County to pay the
25 judgment or a settlement of a claim, but that the officer or employee may make
26 written application to the County Commissioners.

27 (3) That the County Attorney may not compromise or settle any claim
28 without the written consent of the officer or employee. If the officer or employee does
29 not consent to the compromise or settlement, the County Attorney may withdraw
30 from the representation subject to the appropriate rules of court; and in that event
31 the County is not responsible for any further costs [whatsoever].

32 [3-75.] 3-809. Same; judgment.

33 In an action or proceeding against an officer or employee, if a judgment is
34 rendered in favor of the officer or employee, and if the court finds that the action or
35 proceeding was instituted in (1) bad faith or (2) without substantial justification, the
36 court shall require the moving party to pay the County or the officer or employee, as
37 the case may be, the amount of the cost [thereof] OF THE ACTION OR PROCEEDING
38 and the reasonable expenses incurred, including reasonable attorneys' fees. The Court
39 shall require the moving party to pay the costs and expenses directly to the County or
40 to its appropriate agency, board, commission, or department thereof, if prior payment
41 of costs and expenses to the officer or employee has been made pursuant to the
42 provisions of [§ 3-71 of this Article] § 3-805 OF THIS SUBTITLE.

1 [3-76.] 3-810. Same; immunity.

2 The consent of the County Attorney to defend actions or proceedings against
3 County Officers and employees may not be construed to deprive any agency, board,
4 commission, department, officer, or institution, or any employee thereof, of its
5 immunity as it existed prior to July 1, 1980.

6 [3-77.] 3-811. Penalties.

7 (a) The County Commissioners may provide that a violation of any ordinance,
8 resolution, rule, regulation, or bylaw adopted by it is:

9 (1) A misdemeanor punishable by a fine not to exceed [One Thousand
10 Dollars (\$1,000.00)] \$1,000 or imprisonment not to exceed 6 months in the Carroll
11 County Detention Center; or

12 (2) A civil infraction punishable by a penalty not to exceed [One
13 Thousand Dollars (\$1,000.00)] \$1,000.

14 (b) The County Commissioners may provide for the administering of the
15 issuance of citations for civil infractions.

16 [Board of Public Works]

17 SUBTITLE 9. THE DEPARTMENT OF PUBLIC WORKS.

18 [3-67.] 3-901. Authorized; powers and duties.

19 (a) Authority to create. The County Commissioners of Carroll County may
20 abolish any water or sewer authority created by the County Commissioners pursuant
21 to the provisions of [Sections 445 through 466 of Article 43 of the Annotated Code of
22 Maryland] §§ 9-901 THROUGH 9-925 OF THE ENVIRONMENT ARTICLE OF THE
23 ANNOTATED CODE OF MARYLAND, or by public local law enacted by the General
24 Assembly and may abolish any sanitary district or commission created pursuant to
25 the provisions of [Sections 645 through 673 of Article 43] §§ 9-601 THROUGH 9-669 OF
26 THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND or enacted by
27 public local law by the General Assembly. After such an authority, district or
28 commission has been abolished, or if none exists, the County Commissioners shall
29 create a Department of Public Works and shall provide for its organization and
30 functions.

31 (b) Responsibilities. This Department of Public Works may be granted
32 responsibility for the construction, maintenance and control of the following:

33 (1) General county public works, buildings, publicly-owned water and
34 sewerage facilities and capital projects;

35 (2) Roads, highways, bridges and streets, lanes, alleys, footways and
36 culverts;

- 1 (3) Water supply facilities and projects;
- 2 (4) Wastewater collection, treatment and disposal facilities and projects;
- 3 (5) Solid waste collection, recycling and disposal facilities and projects;
- 4 (6) Storm drainage, erosion and sediment control facilities and projects;
- 5 (7) Lighting for roads, highways, alleys and other public places;
- 6 (8) Fire hydrants, mosquito control facilities and programs and snow and
7 ice removal; AND
- 8 (9) Whatever other functions and duties which are not inconsistent with
9 the provisions of this section and are assigned by the County Commissioners.

10 (c) Provisions for prior indebtedness. An ordinance or resolution creating a
11 Department of Public Works shall provide for the retiring, refunding, refinancing,
12 transfer, or assumption of any existing applicable outstanding bonded indebtedness of
13 the County authority, district or commission which preceded it.

14 (d) Effect of statute. The powers granted to County Commissioners may be
15 exercised notwithstanding the existence of any public general law or public local law
16 to the contrary which is in existence at the time the County Commissioners exercise
17 the power granted by this section.

18 TITLE 4. Crimes and Punishments

19 [4-1.] 4-101. Chemically treated paper.

20 (a) Use etc. unlawful. The sale, use, or possession of chemically treated paper
21 is a misdemeanor subject [upon] ON conviction to a fine of not less than [two
22 hundred and fifty dollars (\$250)] \$250 or to imprisonment for not more than one year,
23 or to both such fine and imprisonment in the discretion of the court.

24 (b) Definition. For the purposes of this section, "chemically treated paper" is
25 paper which (1) has been treated with celluloid and nitrate, or with other substances
26 or chemicals to give it a high combustibility; or (2) has been treated with substances
27 or chemicals to give it a high solubility; or (3) has been treated with substances or
28 chemicals to give it otherwise a quick disposability.

29 [4-2.] 4-102. Abandonment of building projects.

30 (a) Restoration work required. Every person, firm, association, or corporation
31 beginning the construction of a building or outside structure in Carroll County and
32 subsequently abandoning or terminating the project shall level off, fill in, or
33 otherwise restore the plot of land being used to a reasonably smooth and even surface,
34 without projecting portions of construction or unfilled excavations.

1 (b) Investigation by County Commissioners. Six months following an apparent
2 abandonment or discontinuance of [such a] THE building or structure, the Board of
3 County Commissioners shall investigate the situation and ascertain from the person,
4 firm, association, or corporation which began the construction work if in fact it has
5 been abandoned or terminated.

6 (c) Same; order of compliance. If the Board ascertains that the construction
7 work has in fact been abandoned or terminated, it shall order in writing that the
8 person, firm, association, or corporation which began the construction work conform
9 to the requirements of subsection (a) OF THIS SECTION within sixty days after
10 receiving the order. Failure to comply with this order is a misdemeanor.

11 (d) Temporary suspension of construction. If the Board ascertains that the
12 construction work has been only temporarily suspended, for a reason which in the
13 judgment of the Board is reasonable and probably unavoidable under the building,
14 financial and other conditions applying to the project, it shall give written notice to
15 the person, firm, association, or corporation which began the construction, of the
16 provisions of this section. If the suspension of construction work continues for
17 additional period of eighteen months from the time of this notification, the
18 construction work shall be deemed abandoned or terminated, and any further
19 noncompliance with the requirements of subsection (a) OF THIS SECTION is a
20 misdemeanor.

21 (e) Penalty provisions. Any person, firm, association, or corporation convicted
22 of a misdemeanor under this section is subject to a fine in an amount not in excess of
23 one hundred dollars, plus the sum of five dollars for each day after conviction during
24 which non-compliance with subsection (a) OF THIS SECTION continues.

25 TITLE 5. Election Districts

26 [5-1.] 5-101. Number; boundaries.

27 Carroll County is divided into fourteen election districts, according to their
28 present bounds and limits.

29 [7. Licenses]

30 TITLE 6. LICENSES

31 [7-1.] 6-101. Hucksters and peddlers.

32 (a) License; exceptions. No huckster, hawker or peddler shall sell or offer for
33 sale any fruits or vegetables in Carroll County until [he] THE HUCKSTER, HAWKER
34 OR PEDDLER shall have first taken out a license for that purpose in accordance with
35 the provisions of this section; provided, however, that this section shall not apply to
36 the farmers or growers selling their own fruits or vegetables.

37 (b) Fee; receipts. For every such license, the Clerk of the Circuit Court of
38 Carroll County shall be paid fifteen dollars[, (\$15.00)] per annum. The receipts from

1 [said] THE licenses shall be paid to the County Treasurer for the use of [said] THE
2 county. Any person violating the provisions of this section shall, upon conviction, be
3 fined not less than twenty-five dollars [(\$25.00)] nor more than one hundred dollars
4 [(\$100.00)], to be recovered as other fines are recovered.

5 [7-2.] 6-102. Pinball Machines.

6 (a) (1) In this section, "Coin operated game" means an amusement device
7 that is operated or activated by coins or tokens.

8 (2) "Coin operated game" includes:

9 (i) a bowling machine;

10 (ii) an electronic game;

11 (iii) a pinball machine;

12 (iv) a video game; or

13 (v) other similar device.

14 (3) "Coin operated game" does not include:

15 (i) a machine that pays out coins or tokens; or

16 (ii) a bona fide vending machine that does not include amusement
17 features.

18 (b) After a public hearing, the Board of County Commissioners may adopt
19 ordinances or regulations concerning:

20 (1) coin operated game licensing;

21 (2) license fee setting;

22 (3) license issuing procedures;

23 (4) license application procedures;

24 (5) license display requirements;

25 (6) late fee renewal provisions;

26 (7) prorated fee schedules; and

27 (8) other administrative provisions as determined by the
28 Commissioners.

1 (c) (1) Before keeping, maintaining, or operating a coin operated game for
2 public entertainment in Carroll County, a person, corporation, or other entity shall
3 obtain the appropriate license from the Board of County Commissioners.

4 (2) A license issued under this section expires on April 30 in each year,
5 regardless of date of issuance.

6 (3) A license issued under this section is transferable.

7 (4) License fees collected under this section shall be paid to the County
8 Commissioners and credited to the general funds of the County.

9 (d) (1) A person, corporation, or other entity who keeps, maintains, or
10 operates a coin operated game in violation of this section, or in violation of a
11 regulation issued under this section, is guilty of a misdemeanor and on conviction is
12 subject to a fine not exceeding \$1,000.

13 (2) In addition to the monetary penalty provided in paragraph (1) of this
14 subsection, a person convicted for violation of this section may be imprisoned in the
15 Carroll County jail for a term not exceeding 60 days.

16 [7-3.] 6-103. Music boxes and devices.

17 Every person, firm or corporation keeping, maintaining or operating for public
18 entertainment in Carroll County any music box, mechanical player piano,
19 graphophone, or other similar mechanical musical device played by the insertion of a
20 coin or token, shall obtain an annual county license [therefor] from the Clerk of the
21 Circuit Court of county, and shall pay [therefor] the sum of twenty dollars [(\$20.00)]
22 for each [such] machine or device, and the sum of three dollars [(\$3.00)] additional
23 for each independent coin-operated speaker delivering music on the same premises.
24 Each machine or device licensed shall have affixed to it a metal tag issued by the
25 Clerk, showing that the fee for the current year has been paid. All licenses shall
26 expire on the thirtieth day of April of each year, shall be transferable, and shall be
27 prorated monthly. Any person, firm [of], OR corporation keeping, maintaining or
28 operating any such machine or device without a license, shall be guilty of a
29 misdemeanor, and upon conviction [thereof], shall be fined one hundred dollars
30 [(\$100.00)]. All license fees collected under the provisions of this section shall be paid
31 to the County Commissioners of Carroll County and credited to the general funds of
32 the County.

33 [7-4.] 6-104. Massage parlor regulation.

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

35 (2) "Massage" means any method of treating, for compensation, the
36 external parts of a human body by touching, rubbing, stroking, kneading, tapping, or
37 vibrating with the hand, arm, foot, mouth, or other body part or with any instrument.

38 (3) "Massage establishment" means any establishment doing business in
39 Carroll County where massages are administered.

- 1 (4) "Massage Practitioner" means an individual who has:
- 2 (i) Completed at least 500 hours of training in a school whose
3 curriculum is approved by a professional organization that certifies massage training
4 programs if the County Commissioners recognize the organization;
- 5 (ii) Completed at least 250 hours of training and is currently
6 enrolled in a school whose curriculum is approved by a professional organization that
7 certifies massage training programs if the County Commissioners recognize the
8 organization; or
- 9 (iii) Passed the National Certification Examination for professional
10 massage and bodywork.

11 (b) Regulatory authority under this section does not apply to:

- 12 (1) A bona fide health club;
- 13 (2) A chiropractor;
- 14 (3) A hospital;
- 15 (4) A medical clinic;
- 16 (5) A nursing home;
- 17 (6) A massage practitioner;
- 18 (7) A licensed physical therapist;
- 19 (8) A physician; or
- 20 (9) A barber shop or beauty salon in which massages are administered
21 only to the scalp, face, neck, or shoulders.

22 (c) After a public hearing, the County Commissioners may adopt an ordinance
23 or regulations governing massage establishments, including:

- 24 (1) Massage establishment licensing;
- 25 (2) License and administrative fees;
- 26 (3) License application procedures;
- 27 (4) License issuance procedures;
- 28 (5) License display requirements;
- 29 (6) License renewal procedures;
- 30 (7) License revocation or suspension procedures;

- 1 (8) Penalties for violation of the ordinance or regulations; and
2 (9) Any other administrative provisions that the County Commissioners
3 consider necessary.

4 [10. Motor Vehicles]

5 TITLE 7. MOTOR VEHICLES

6 [10-1.] 7-101. Abandoned motor vehicles.

7 (a) Removal and sale. If any motor vehicle is abandoned in Carroll County
8 [upon] ON any public road, highway, alley, parking lot, public property, or on any
9 private property of a person not its owner, in violation of any law or ordinance
10 regarding the parking of vehicles, or for an unreasonable length of time so as to
11 constitute a traffic hazard or a nuisance to the public or any citizen of the County, and
12 the owner cannot be located, any law enforcement officer of the County is authorized
13 to impound, remove and sell the motor vehicle at a public sale to be held not sooner
14 than thirty (30) days after the vehicle was impounded and removed. Notice of the sale
15 shall be given for two successive weeks [prior to] BEFORE the sale in one or more
16 newspapers published in the County, stating the time, place, and terms of sale, and
17 describing the motor vehicle to be sold. If the owner of the vehicle or any lien holder
18 can be determined, the notice of sale shall be sent to them by registered or certified
19 mail not later than ten (10) days [prior to] BEFORE the sale. When [any such] THE
20 motor vehicle is certified by two licensed automobile dealers in the county to have a
21 value of less than twenty-five dollars [(\$25.00)], any law enforcement officer may
22 impound, remove, sell at public or private sale or otherwise dispose of the [same]
23 VEHICLE provided only that notice [thereof] be affixed to the vehicle and, if the
24 owner of the vehicle or any lienholder can be determined, notice of sale or other
25 intended disposition shall be sent to them by registered or certified mail not later
26 than ten (10) days [prior to] BEFORE the sale or disposition.

27 (b) Distribution of proceeds. After deduction first of the costs of impounding,
28 removal and sale of the vehicle, and then payment of any liens on the vehicle, to the
29 extent funds are available, the surplus, if any, from the sale shall be paid over to the
30 Board of County Commissioners and deposited with a special fund.

31 (c) Refunds to owners. If at any time not to exceed one year after a sale, the
32 owner of a vehicle sold presents a claim to the County Commissioners for the excess of
33 the sale, and proof of [his] THE OWNER'S ownership of the vehicle sold, the
34 Commissioners shall pay the excess from the special fund to the owner of the vehicle
35 sold. If no claim for refund is made as provided [herein] IN THIS SUBSECTION, the
36 Commissioners shall transfer the excess funds into general funds of the county.

37 (d) Regulations. The County Commissioners are authorized by ordinance or
38 resolution to prescribe necessary regulations to carry out the provisions of this
39 section, not inconsistent with the provisions [herein] OF THIS SECTION.

1 [10-2.] 7-102. [Unlicensed] UNLICENSED junk vehicles and parts.

2 (a) Notice of removal. It is unlawful in Carroll County as provided in this
3 section to cause or permit an [unlicensed] UNLICENSED junk motor vehicle or parts
4 [thereof] to be left on private or public property, in open view of persons on a nearby
5 highway, road or street. The County Commissioners shall give ten days' notice to the
6 owner of record requesting that [he] THE OWNER remove [said] automobile. If
7 [such] THE owner does not comply with the request, the County Commissioners shall
8 remove and dispose of the automobile and the owner may be fined not more than \$100
9 and charged for the expense of removal and disposal. If there is no owner of record or
10 the owner [can not] CANNOT be located, the County Commissioners shall remove and
11 dispose of the automobile.

12 (b) Impoundment. In addition to the fine and charge for the expense of
13 removal and disposal provided by this section, the motor vehicle may be impounded
14 and sold under the provisions of [Section 10-1] § 7-101 of this [subtitle] TITLE.

15 (c) Exceptions. This section does not apply or refer to vehicles in a regularly
16 operated and duly licensed gasoline service station, garage, or motor vehicle junkyard
17 or "graveyard."

18 [Open Space Maintenance]

19 TITLE 8. OPEN SPACE MAINTENANCE

20 SUBTITLE 1. GENERAL PROVISIONS.

21 [3-24.] 8-101. Title of Act.

22 This [subheading] TITLE may be known and cited as the Carroll County Open
23 Space Maintenance Act.

24 [3-25.] 8-102. Definitions.

25 (A) Unless the particular provisions of the context otherwise requires, the
26 definitions and provisions contained in this section govern the construction and the
27 meaning and application of words and phrases used in this [subheading] TITLE.

28 [(1)] (B) "Commissioners" means the Board of County Commissioners of
29 Carroll County.

30 [(2)] (C) "Administrative Assistant" means the Administrative Assistant
31 for the Board of County Commissioners of Carroll County.

32 [(3)] (D) "Assessor" means the Supervisor of Assessments of Carroll
33 County.

34 [(4)] (E) "Work" or "improvement", whether used singly or in
35 combination, means and includes the performance of all acts and doing of the things
36 necessary to carry out the purposes of this [subheading] TITLE including the

1 maintenance of open areas and the doing of those acts set forth in [Section 3-27]§
2 8-104 of this [subheading] TITLE.

3 [(5)] (F) "Open space" or "open area" means any space or area
4 characterized by great natural scenic beauty or whose existing openness, natural
5 condition, or present state of use, if retained, would enhance the present or potential
6 value of abutting or surrounding urban development, or would maintain or enhance
7 the conservation of natural or scenic resources.

8 [(6)] (G) "Open Space Maintenance District" or "District" means any
9 district created pursuant to the provisions of this [subheading] TITLE.

10 [3-26.] 8-103. Purpose of Act.

11 The purpose of this [subheading] TITLE is to form districts within Carroll
12 County within which property may be assessed to pay the costs and expenses of
13 improving and maintaining open spaces belonging to the county in [such] a manner
14 [as to conserve] THAT CONSERVES their natural condition and scenic beauty which,
15 if preserved, maintained, or developed in their present open state will constitute
16 physical, esthetic or economic assets to existing, impending, abutting or surrounding
17 urban development or which will maintain or enhance the conservation of natural or
18 scenic resources; and to maintain [such] THE open spaces in a way that will reduce
19 the danger of fire which exists when open areas covered with vegetation remain in
20 their natural state.

21 [3-27.] 8-104. Scope of Act.

22 In addition to matters specified elsewhere in this [subheading] TITLE, the acts
23 authorized under this [subheading] TITLE include the following:

24 (1) The formation of districts[.];

25 (2) The planning, maintaining, improving, protecting, limiting the future
26 use of or otherwise conserving open spaces and areas within the county and the
27 reduction of the hazards of fire, erosion, and flooding in [such] THESE areas by:

28 (i) Clearing and removing or ordering the clearing and removal of
29 dry grass, stubble, brush, rubbish, litter, or other inflammable material which
30 endangers the public safety by creating a fire hazard and which is not provided for by
31 the regular fire controls;

32 (ii) Acquiring, constructing and maintaining works, not otherwise
33 regularly provided by the county which are necessary or convenient for the prevention
34 and extinguishing of fires;

35 (iii) Destroying and removing noxious, dangerous or unsightly
36 weeds;

37 (iv) Planting and maintaining trees, shrubs, lawns and other
38 vegetation;

1 (v) Making such regulations as are necessary or desirable to limit
2 the future use of the areas in order to maintain or enhance the conservation of their
3 natural or scenic resources and to protect the public health and safety; and

4 (vi) Constructing and maintaining such other improvements as may
5 be necessary or convenient for the accomplishment of the purposes of this
6 [subheading] TITLE[.]; AND

7 (3) The doing of all acts and things necessary or convenient for the
8 accomplishment of the purposes of this [subheading] TITLE.

9 SUBTITLE 2. PROCEDURES.

10 [3-28.] 8-201. Procedure; initiating procedure.

11 Proceedings for the formation of an open space maintenance district may be
12 initiated by petition signed by the owners of assessable land in the proposed district,
13 as shown by the last assessment roll of the county or as their names appear upon the
14 real property ownership records of the assessor's office owning lands of an assessed
15 value of not less than fifty-one per cent (51%) of the total assessed value of all
16 assessable land in the district, as shown by the last county assessment roll, which
17 lands also constitute more than one-half of the area of all assessable land in the
18 proposed district. The petition shall contain a general description of the exterior
19 boundaries of the proposed district. The petition shall contain a general description of
20 the open spaces to be maintained or improved, a general description of the work or
21 improvement to be done on the open spaces, and a statement that the petition is filed
22 pursuant to this [subheading] TITLE. The petition shall be filed with the
23 Administrative Assistant, who shall check or cause it to be checked. If it is signed by
24 the requisite number of qualified signers, the Administrative Assistant shall make his
25 OR HER certificate to that effect and shall present the petition and certificate to the
26 Commissioners.

27 [3-29.] 8-202. Same; report.

28 (a) Information required. Before the Commissioners adopt an ordinance of
29 intention to form the district, [they] THE COMMISSIONERS shall have made by their
30 appropriate employee and filed with the Administrative Assistant a report which
31 shall contain the following information:

32 (1) A general description of the open areas proposed to be maintained, all
33 of which must lie wholly within the boundaries of the district;

34 (2) A general description of the proposed work or improvement;

35 (3) An estimate of the annual costs and expenses of maintenance or
36 improvement of the open areas which benefit property within the proposed district;
37 AND

38 (4) A diagram or map showing[:];

1 (i) The boundaries of the district proposed to be assessed and the
2 public streets, alleys, ways or other public places situated therein; AND

3 (ii) Each parcel of land benefited by such work or improvement, by
4 giving each a separate number or designation upon the diagram. [Said] THE
5 diagram, as approved by the Commissioners, shall govern for all details as to the
6 lands determined to be benefited by [said] work or improvement and to thereafter be
7 assessed.

8 (b) Action of Planning and Zoning Commission. [Prior to the] BEFORE filing
9 [of] the preliminary report with the Administrative Assistant, the appropriate
10 employee, as designated by the Commissioners, shall refer the report to the Planning
11 and Zoning Commission for its recommendation upon the formation of such district.
12 The Planning and Zoning Commission shall report its finding to [said] THE
13 employee. If the Planning and Zoning Commission recommends disapproval of the
14 proposed formation of the district, [such]THE recommendation may be overruled by
15 the Commissioners. Failure of the Planning and Zoning Commission to act within
16 thirty (30) days after the referral of the preliminary report to it, shall be deemed to be
17 an approval of the report. The employee, designated by the Commissioners shall
18 transmit the recommendation of the Planning and Zoning Commission to the
19 Administrative Assistant along with the preliminary report.

20 [3-30.] 8-203. Same; action of County Commissioners.

21 Upon the filing of [said] A report [by such employee] UNDER § 8-202 OF THIS
22 SUBTITLE, the Administrative Assistant shall present the [same] REPORT to the
23 Commissioners for consideration and the Commissioners may approve, amend, alter,
24 modify or correct the [same] REPORT or may direct [such] THE APPROPRIATE
25 employee to make changes [therein]. When report has been approved by the
26 Commissioners, it may fix a time and place for hearing objections to the proposed
27 formation of the district or to the report and may adopt an ordinance declaring its
28 intention to form the district. [The] AT THAT TIME, THE report shall [thereafter] be
29 open to inspection in the office of the Administrative Assistant until [said] public
30 hearing.

31 [3-31.] 8-204. Ordinance of intention to form district.

32 If the Commissioners determine that the public interest and convenience
33 require the formation of a district, it may adopt an ordinance declaring its intention to
34 form [such] A district pursuant to the provisions of this [subheading] TITLE. [Such]
35 THE ordinance of intention, in addition to making the foregoing determination, shall
36 also contain:

37 (1) A general description of the exterior boundaries of the proposed
38 district, as specified in [Section 3-32 hereof] § 8-205 of this subtitle[.];

39 (2) A general description of the work and improvement proposed to be
40 done and the open areas to be maintained or conserved [thereby].;

1 (3) A statement that an annual assessment may be levied pursuant to
2 this [subheading] TITLE to pay the costs and expenses of the maintenance work and
3 improvements, if any, on the open areas[.];

4 (4) A statement of the annual assessment limit on each one hundred
5 dollars of assessed valuation of taxable land and improvements within the district
6 and that amounts so assessed shall be billed and collected by [Harford] CARROLL
7 County as part of regular tax bills[.]; AND

8 (5) The day, hour and place for the hearing by the Commissioners of
9 protests and objections to the formation of the proposed district or to the proposed
10 work, and a statement that any owner of property liable to be assessed for the work
11 may make written protest against the proposed work or against the formation of the
12 proposed district or both by filing [such] A written protest with the Administrative
13 Assistant at any time not later than the hour [so] fixed for the hearing. The time for
14 the hearing shall not be less than fifteen (15) or more than sixty (60) days from the
15 date of the adoption of the ordinance by the Commissioners.

16 [3-32.] 8-205. Descriptions of district, work.

17 The proposed assessment district may be described in the ordinance of intention
18 by stating the exterior boundaries [thereof] or by referring to the diagram provided
19 for in the REQUIRED preliminary report [required therefor]. The description of the
20 work shall be sufficient if the ordinance states in general terms the classes or kinds of
21 work contemplated, contains a general description of the property upon which such
22 work is to be done or the name by which such property is commonly known, and refers
23 to plans and reports on file, if any, or such of them as may be suitable or proper for a
24 description of the proposed work. Portions of the improvement or of the territory
25 comprising the assessment district need not be contiguous.

26 [3-33.] 8-206. Properties not subject to assessment.

27 Any lot or parcel of land in any public use belonging to the state or to the county,
28 any city, district, or other public corporation, public agent, school board, educational,
29 penal, or reform institution, or institution for the feeble minded or insane, in use in
30 the performance of a public function and lying within the district is not subject to
31 assessment unless the consent of the governing body of the entity [owing such]
32 OWNING THE public property to assessment is filed with the Commissioners. If such
33 consent is filed, the land is subject to assessment in the same manner as other land
34 within the district.

35 [3-34.] 8-207. Portion of cost paid from county funds.

36 The Commissioners in their discretion may, in the ordinance of intention or at
37 any subsequent time, order that a portion of the costs and expenses of the work or
38 improvement shall be paid out of county funds from [such] A fund as the
39 Commissioners may designate and the amount of [such] THE payment shall be so
40 specified.

1 [3-35.] 8-208. Ordinance of intention; publication.

2 The ordinance of intention shall be published once in a daily newspaper of
3 general circulation, printed and published in Carroll County at least fifteen (15) days
4 before the date set for hearing protests or objections.

5 [3-36.] 8-209. Same; mailed to interested persons.

6 A copy of the ordinance shall be mailed at least ten (10) days before the date of
7 hearing protests or objections, postage prepaid, by the Administrative Assistant to
8 each person to whom land in the district is assessed as shown upon the last county
9 assessment roll.

10 [3-37.] 8-210. Same; posted.

11 The employee of the Commissioners shall cause to be conspicuously posted along
12 public streets, if any, within the proposed district, at not more than 300 feet in
13 distance apart, but not less than three in all, copies of the ordinance of intention.
14 [Said notices] THE NOTICES shall be headed "Notice of Formation of Open Space
15 Maintenance District" in letters at least one (1") inch in height. The notice shall be
16 posted at least fifteen (15) days prior to the hearing.

17 [3-38.] 8-211. Same; certificates of compliance.

18 Certificates or affidavits shall be filed by the Administrative Assistant setting
19 forth the time and manner of compliance with the requirements of [Sections 3-35,
20 3-36, and 3-37] §§ 8-208 THROUGH 8-210 OF THIS SUBTITLE.

21 **SUBTITLE 3. OBJECTIONS TO DISTRICT OR BOUNDARIES.**

22 [3-39.] 8-301. Protests to formation of districts.

23 [At any] ANY time [prior to] BEFORE the time set for hearing protests in
24 relation to the proposed formation of the district, any owner of property liable to be
25 assessed for the work may make and file with the Administrative Assistant a written
26 protest stating his OR HER objection [thereto]. [Such] THE protest must contain a
27 description of the property in which the protestant is interested, sufficient to identify
28 the [same] PROPERTY, and must be delivered to the Administrative Assistant. No
29 other protest shall be considered. The Administrative Assistant shall endorse on every
30 such protest the date of its receipt by him OR HER and shall at the time appointed for
31 the hearing present such protest to the Commissioners. Any protest may be
32 withdrawn by the person making it, in writing, at any time [prior to] BEFORE the
33 conclusion of the hearing or any adjournment [thereof].

34 [3-40.] 8-302. Hearing protest.

35 (A) At the hearing all such objections and protests shall be heard and
36 considered. If at the hearing it appears that owners of more than one-half of the area
37 of land included within the proposed district and subject to assessment have made
38 objection in writing to the doing of the things proposed to be done as an entirety, and

1 protests are not withdrawn so as to reduce the same to less than a majority, the
2 Commissioners by a resolution entered upon its minutes, shall so find. Thereafter the
3 Commissioners shall not proceed further under the ordinance of intention, and the
4 proceeding is terminated. Unless the proceeding was initiated by the County
5 Commissioners under [Section 3-31] § 8-204 OF THIS TITLE, if so initiated, the
6 hearing may continue and the district may be created.

7 (B) If the proceeding is terminated by a majority protest, no subsequent
8 proceeding under this ordinance for the formation of the same, or substantially the
9 same, district shall be commenced within six (6) months thereafter, except upon a
10 petition signed by the owners of a majority in area of the taxable land in the district.
11 If the owners of more than one-half of the area of the property included within the
12 district and subject to assessment have not made written objections or protests to the
13 thing proposed to be done as an entirety, the Commissioners may so find orally or
14 otherwise and may proceed with the hearing. The hearing may be continued from
15 time to time by order entered on the minutes.

16 [3-41.] 8-303. Same; changes in work or boundaries.

17 (a) Changes by Commission. At the hearing the Commissioners may by an
18 affirmative vote of two-thirds of its members order changes in the proposed work or
19 the proposed boundaries of the district by the elimination of any portion [thereof
20 which] THAT will not in its opinion be benefited by the work proposed to be done.

21 (b) Same; additional land. If the Commissioners propose a change in the
22 boundaries to include additional land in the district, [said] THE Commissioners shall
23 adopt a resolution briefly describing the change proposed to be made and giving notice
24 of the time and place when and where any interested person may object to such
25 change. The Administrative Assistant shall mail a copy of a notice of intention to do so
26 to each person described in [Section 3-36 hereof] § 8-209 OF THIS TITLE included in
27 the area proposed to be added within the time and in the manner set forth in [said
28 Section 3-36] § 8-209 OF THIS TITLE. The notice shall describe the proposed change
29 and specify the time for hearing objections. The notice shall also be published once in
30 the time and manner provided for in [Section 3-35 hereof] § 8-208 OF THIS TITLE.

31 [3-42.] 8-304. Changed boundaries; objections.

32 If the boundaries are changed, objections or protests made by owners of land
33 excluded by the change shall not be counted in computing a majority protest, but
34 written objections or protests to the things proposed to be done as an entirety made by
35 owners of the remaining assessable land in the district, including assessable land
36 added by a change, and filed with the Administrative Assistant not later than the
37 time set for hearing objections to the proposed change, shall be included in computing
38 a majority protest.

39 [3-43.] 8-305. Commissioners' determination of protests.

40 The Commissioners may sustain or deny any or all objections or protests and its
41 determination is final. [Such] THE FINAL determination shall be entered upon the
42 minutes. If the protests are denied or if no protests are filed, immediately thereupon

1 the Commissioners shall acquire jurisdiction to form the district and to order the
2 work, as proposed or as changed, to be done and to proceed further in accordance with
3 the provisions of this [subheading] TITLE. In the event there is a majority protest
4 against any change proposed as provided for in [Section 3-41 hereof] § 8-303 OF THIS
5 SUBTITLE, no [such] change shall be ordered by the Commissioners.

6 SUBTITLE 4. CREATION OF DISTRICT.

7 [3-44.] 8-401. Procedure to create district.

8 If the Commissioners decide to proceed, they shall by ordinance fix and
9 establish the boundaries of the district, declare that the district is formed pursuant to
10 this [subheading]TITLE, describe the open areas to be maintained by the district,
11 order their designated employee to do the work or maintenance, as proposed or as
12 changed, and provide that the cost and expense of doing [such] THE work shall be
13 paid by annual assessments upon the land within the district. The ordinance forming
14 the district shall be final and conclusive on all persons in all particulars.

15 [3-45.] 8-402. Same; approved diagram.

16 The approved diagram shall be transmitted to the Assessor and recorded in a
17 book kept for that purpose. [Such] AFTER RECORDATION, THE diagram may be
18 thereafter referred to in connection with the levy of assessments pursuant to this
19 [subheading] TITLE.

20 [3-46.] 8-403. Restrictions upon objections.

21 Any objections or protests not made at the time and in the manner provided for
22 by this [subheading] TITLE are deemed waived voluntarily. The validity of
23 proceedings taken under this [subheading] TITLE shall not be attacked subsequent to
24 the hearing upon any ground not stated in an objection or protest filed [pursuant to]
25 UNDER this [subheading] TITLE. Any landowner or person interested in any land
26 within the district [is estopped to attack] MAY NOT ATTACK the proceedings [upon]
27 ON any ground not stated in a protest filed by [him] THE PERSON [pursuant to]
28 UNDER this [subheading] TITLE. The validity of the formation of a district [pursuant
29 to] UNDER this [subheading] TITLE shall not be contested in any action or
30 proceeding unless the [same] ACTION OR PROCEEDING is commenced within thirty
31 (30) days after the time [said] THE district is formed and any appeal to the Circuit
32 Court for Carroll County from a final judgment in [such] THE action or proceeding
33 must be perfected within thirty (30) days after the entry of [such] THE judgment. Any
34 defect, error, or informality in the petition, the Administrative Assistant's certificate,
35 the publication, posting, or mailing of notices, or failure of the landowner or person
36 interested in the land to receive notice shall not invalidate any proceeding [pursuant
37 to] UNDER this [subheading] TITLE.

1 SUBTITLE 5. ADVISORY BOARD; ASSESSMENTS.

2 [3-47.] 8-501. Work on open areas.

3 (a) Employee in charge. An employee, to be designated by the County
4 Commissioners of Carroll County shall have complete charge, supervision and control
5 of all open areas maintained or improved [pursuant to] UNDER the provisions of this
6 [subheading] TITLE. Annually on or before January 31st, [such] THE employee shall
7 determine the work or improvement with respect to the open area or areas necessary
8 for the ensuing fiscal year and shall report [the same] to the Commissioners as
9 provided [in Section 3-49 hereof] UNDER § 8-503 OF THIS SUBTITLE.

10 (b) Advisory Board authorized. The Commissioners, may appoint an Advisory
11 Board composed of five property owners within a district, which Advisory Board may
12 make recommendations to [such] THE employee with respect to the work and
13 operation of the open areas. Members of the Board shall serve without compensation
14 and shall hold office for a term of three (3) years from the date of their appointment.

15 [3-48.] 8-502. Same; procedure.

16 (a) Powers. The employee, as designated above may enter into [such] annual
17 contracts as may be required for performance of the work or may cause any part or
18 parts [thereof] OF THE WORK to be performed or furnished by the County and may
19 employ the necessary labor and provide, by purchase order when necessary, the
20 required materials and equipment and shall cause the [said] work to be performed or
21 furnished. [It] THE EMPLOYEE may issue interdepartmental purchase orders for the
22 furnishing of maintenance or incidental services or supplies, where necessary or in
23 the public interest by reason of circumstances, such purchase orders to be at
24 established rates or upon terms that may be agreed upon between the [said] Board
25 and the board or other proper officers of the department from which the purchase
26 may be made.

27 (b) Costs paid by county. The costs and expenses of all work to be done or
28 furnished by the County shall be paid for from the special fund for the work provided
29 for in [Section 3-53 hereof] § 8-507 OF THIS SUBTITLE, or out of any fund which may
30 be provided or advanced by the Commissioners for expenditure for [such] THESE
31 purposes. The payments so advanced may be reimbursed from the special fund when
32 moneys are available [therein].

33 [3-49.] 8-503. Funds required; estimate, assessment report.

34 (a) Estimates; assessment reports. Annually on or before January 31st, the
35 Board shall prepare an estimate of the expenditures required for the maintenance
36 and improvement of open areas under its charge for the ensuing year and if sufficient
37 funds are not available in the special fund for that purpose, shall file an assessment
38 report with the Commissioners prior to February 28th. The estimate may also include
39 any advance made pursuant to [Section 3-52] § 8-506 OF THIS SUBTITLE or any
40 previous year or years' deficiency pursuant to [Section 3-53] § 8-507 OF THIS
41 SUBTITLE and shall include the incidental expenses of the assessment proceedings.
42 The assessment report shall include a proposed assessment of all of the estimated

1 costs and expenses of the improvement proposed to be assessed upon the several lots
2 or parcels of land in proportion to the respective assessed valuations of [said] lots or
3 parcels of land and the improvements [thereon] ON THE LOTS OR PARCELS OF LAND
4 as they are shown on the last tax roll of Carroll County. [Said] THE assessment shall
5 show the parcel number for each [such] lot or parcel of land as the respective
6 numbers appear on the assessment diagram on file with the Assessor and shall make
7 reference [thereto] TO THE DIAGRAM.

8 (b) Corrections or changes. The report may contain recommended corrections
9 or changes in the assessment diagram, including changes in the parcel numbers, to
10 reflect changes in ownership or the division of lots of parcels of land, as deemed
11 appropriate by the Assessor. The Commissioners may order the original diagram
12 corrected or changed as to the division or dimensions of lots or parcels of land within
13 the district in [such] A manner as shall seem just and as may in their judgment be
14 necessary in order that the costs of the work or improvement ordered may be properly
15 assessed against the properties benefitted.

16 (c) Hearing on assessment report. Upon presentation of the assessment
17 report, the Commissioners shall set a date for the hearing of protests [thereto]
18 CONCERNING THE ASSESSMENT REPORT and shall instruct that notices of hearing be
19 published in the manner provided for in [Section 3-35 hereof] § 8-208 OF THIS TITLE.
20 At hearing if no protests are received or if protests are denied by a vote of two-thirds
21 of the Commissioners, the Commissioners shall declare their confirmation of the
22 assessment and shall [thereafter], by ordinance, order the improvement as proposed
23 in the assessment report.

24 (d) Notice of assessments. Immediately [thereafter] AFTER THE
25 COMMISSIONERS ORDER THE IMPROVEMENT AS PROPOSED IN THE ASSESSMENT
26 REPORT, the Administrative Assistant shall record a notice of assessment, whereupon
27 [said] THE assessment shall attach as a lien upon the property assessed.

28 [3-50.] 8-504. Assessment; maximum, collection.

29 The annual special assessment levied for maintenance and improvement of open
30 areas in any year shall not exceed twenty-five cents on each one hundred dollars of
31 assessed value of taxable land and improvements within the district. The special
32 assessment shall be levied and collected at the same time, in the same manner, by the
33 same officers, and with the same interest and penalties as general taxes levied by the
34 Commissioners.

35 [3-51.] 8-505. Same; procedure.

36 (a) Collection. Notwithstanding any other provisions of this [subheading]
37 TITLE it shall be sufficient for the ordinance ordering each annual assessment to state
38 the fact that the several assessments shall be collected by and payable to the County
39 Tax Collector along with the general taxes levied for county purposes and shall be
40 subject to the same penalties and enforcement provisions relating to [said] general
41 taxes.

1 (b) Billing. The Assessor shall furnish to county officials each year, the
2 necessary information regarding the amounts of assessments that are to be billed for
3 and collected by the County during the tax-paying period.

4 [3-52.] 8-506. Proceeds of special assessment.

5 (a) Special fund. The proceeds of [such] THE annual special assessments shall
6 be paid to the County Treasurer who shall place the [same] PROCEEDS in a special
7 fund, to the credit of the District and payment shall be made out of [such] THE
8 special fund only for the purposes provided for in this [subheading] TITLE for such
9 district. To expedite the making of any [such] maintenance or improvement, the
10 Commissioners may at any time transfer into [said] THE special fund, out of any
11 money in the general fund, [such] sums as it may deem necessary, and the sum so
12 transferred shall be deemed as a loan to [such] THE special fund, and shall be repaid
13 out of the proceeds of the assessments provided for [in] UNDER this [subheading]
14 TITLE.

15 (b) Transfers from general funds. If a district is organized in any year too late
16 for the levy of a special assessment in that year or in the next ensuing year, the
17 Commissioners are [hereby] authorized to transfer funds out of the general fund of
18 the County to the special fund of the district to be used for the payment of the
19 expenses of [such] THE district until [such] A time [as] THAT special assessments
20 receipts are available [therefor]. The Commissioners shall include in the levy of the
21 special assessment for the district for the first fiscal year in which the assessment
22 may be levied or in ensuing years, a sum sufficient to repay the County the amount so
23 transferred to the district for the portion or portions of the preceding fiscal year or
24 years for which no levy of assessment was made for that purpose. The amounts so
25 transferred shall be repaid into the general fund of the County from the district fund
26 out of the first available receipts from the assessment levied or as determined by the
27 Commissioners.

28 [3-53.] 8-507. Same; deficiency.

29 If for any reason there shall be a deficiency in the funds derived from the annual
30 assessments for any maintenance or improvement ordered pursuant to this
31 ordinance, including all incidental expenses [thereof], the Commissioners may meet
32 [such] THE deficiency by an appropriation out of the general fund or may advance
33 [such] THE sums, to be repaid out of the proceeds of the annual assessment for the
34 next or ensuing years, as deemed appropriate by the Commissioners.

35 [3-54.] 8-508. Same; unexpended balance.

36 Any unexpended balance remaining in the special fund for the maintenance or
37 improvement after the repayment of the costs and expenses of the maintenance or
38 improvement for which the assessment was levied shall be credited to the fund to be
39 raised for the next ensuing period of maintenance for [such] THE district. Whenever
40 the Commissioners do not order or reorder maintenance as authorized [in this
41 subheading] UNDER THIS SUBTITLE any [such] unexpended balance may be retained
42 in [such] THE fund to be used, until exhausted by their [said] designated employee,

1 to defray the costs and expenses of maintaining and caring for the open spaces
2 [benefiting] BENEFITTING the district for which the annual assessment has been
3 levied.

4 SUBTITLE 6. AREA ADDED TO DISTRICT; WITHDRAWN FROM DISTRICT.

5 [3-55.] 8-601. Area added to district; procedure.

6 If, after the formation of a district, the addition of properties to be maintained
7 and improved as open areas by [such] THE existing district is proposed, the
8 Commissioners shall adopt a resolution declaring their intention that the cost of
9 maintaining [such] THE additional open areas shall be borne by the existing district.
10 It shall fix a time and place for a hearing on [such] THE resolution, at which hearing
11 any and all persons having any objections to the things proposed to be done may
12 appear and be heard. The resolution shall contain the statement of the estimated
13 annual cost of maintaining [such] THE additional open areas.

14 [3-56.] 8-602. Same; hearing.

15 Notice of hearing on the resolution shall be mailed at least ten (10) days prior to
16 the hearing to each person to whom land within the existing district is assessed as
17 shown on the last assessment roll at [his] THE PERSON'S address as shown on such
18 roll. At the hearing, the Commissioners shall hear and pass upon any and all protests
19 to the maintaining and improving of such additional open areas by the existing
20 district and the Commissioners' decision shall be final and conclusive. At the
21 conclusion of the hearing, the Commissioners may by resolution, order that the
22 expenses of maintaining and operating [such] THE additional open areas shall be a
23 charge upon the existing district.

24 [3-57.] 8-603. Area withdrawn from district; procedure.

25 Any portion of any district which will not be [benefited] BENEFITTED by
26 remaining within the district may be withdrawn therefrom. The Commissioners may
27 by resolution fix a time for a hearing on the question of the withdrawal of any portion
28 of a district which will not be [benefited] BENEFITTED by remaining within the
29 district. The time for the hearing shall be not less than ten (10) or more than thirty
30 (30) days after the date of the adoption of the resolution. The Commissioners shall, at
31 least ten (10) days [prior to] BEFORE the time so fixed, cause a notice of such hearing
32 to be published by one insertion in a newspaper of general circulation published
33 [within] IN the County. Copies of the notice shall also be posted at least ten (10) days
34 [prior to] BEFORE the date fixed for hearing in at least three (3) conspicuous places
35 [within] IN that portion of the district sought to be withdrawn and in at least three
36 (3) conspicuous places [within] IN the remaining portion of the district.

37 [3-58.] 8-604. Same; hearing.

38 [Any] A person interested may appear at the hearing and object to the
39 withdrawal of [said] THE portion from the district or may object to the continuance of
40 the remaining territory as a district. The Commissioners shall consider and pass upon

1 all objections and if they find that the portion of the district sought to be withdrawn
2 will not be [benefited] BENEFITTED by remaining [within] IN the district and that
3 the remaining territory not sought to be withdrawn will be [benefited] BENEFITTED
4 by continuing as a maintenance district, then they shall by ordinance order [such]
5 THE withdrawal and the continuance of the remaining territory as a district.

6 [3-59.] 8-605. District dissolved; procedure.

7 Any district may be dissolved by the Commissioners. The Commissioners upon
8 their own motion may adopt a resolution declaring their intention to dissolve the
9 district and may fix a time for a hearing [upon such] ON THE dissolution. The time
10 for [such] THE hearing shall be not less than ten (10) nor more than thirty (30) days
11 after the date of adoption of [such] THE resolution, and the Administrative Assistant
12 shall, at least fifteen (15) days [prior to] BEFORE the time so fixed, publish notice of
13 such hearing by one (1) insertion in the newspaper of general circulation published
14 [within] IN the county and cause printed copies of [such] THE notice to be posted in
15 at least three (3) conspicuous places [within] IN the district.

16 [3-60.] 8-606. Same; hearing.

17 At the time appointed for [such] THE hearing, or at any time to which it is
18 adjourned, the Commissioners shall hear and pass upon the question of dissolution
19 and all objections and protests and may grant or deny the same. Their decision
20 [thereon] shall be final and conclusive. If the Commissioners determine that the
21 district shall be dissolved, they shall, by ordinance, order the dissolution of the
22 district and the district shall [thereupon] be dissolved. The maintenance of the open
23 areas of [such] THE district may be continued [thereafter] until the funds collected
24 for the purpose of [such] THE maintenance have been expended for that purpose or
25 [such] THE funds may be returned in cash to the person or persons who paid the next
26 preceding annual assessment in the proportion which each [such] assessment bears
27 to the total assessment levied that year.

28 SUBTITLE 7. CONSTRUCTION OF LAW.

29 [3-61.] 8-701. Construction of law.

30 This [subheading] TITLE shall be liberally construed in order to effectuate its
31 purposes. If any provision [hereof,] or [the] application [thereof] to any person,
32 property or circumstances[,] is held invalid the remainder of this ordinance, or the
33 application of [such] THE provision to other persons, property or circumstances, shall
34 not be affected thereby.

1 [13. Revenue and Taxes]

2 TITLE 9. REVENUE AND TAXES.

3 [13-1.] 9-101. Manufacturers' exemption.

4 The County Commissioners of Carroll County, Maryland, are [hereby]
5 authorized and empowered to rescind, repeal, and revoke the resolution passed and
6 adopted by the County Commissioners of Carroll County on the 18th day of January,
7 1915, exempting from taxation in Carroll County the tools, machinery, manufacturing
8 implements and engines of corporations, firms and individuals actually engaged in
9 manufacturing; and the [said the] County Commissioners of Carroll County [be and
10 they] are [hereby] authorized and empowered to rescind, repeal and revoke any
11 resolution that may [hereafter] be passed and adopted by the [said the] County
12 Commissioners of Carroll County under the authority of the provisions of Chapter
13 528, Section 164 of the Acts of the General Assembly of Maryland, passed at its
14 January session in the year 1914, and codified as [Section 169 of Article 81 of the
15 Annotated Code of Maryland (1924 Edition).] §§ 7-208, 7-214, 7-215, 7-217, AND 7-225
16 OF THE TAX - GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

17 Provided, however, that all such tools, manufacturing implements, engines and
18 machinery, which may have been acquired since the Resolution of the County
19 Commissioners of Carroll County [of date of the 18th of] ON January, 18, 1915, and
20 down to the date of the repeal of [said] THE Resolution as authorized by the
21 provisions of this section, provided a Resolution of repeal should be had, shall
22 continue [hereafter] to be exempt from assessment and taxation in Carroll County
23 from the date of the passage of [said] THE resolution of repeal for a period of five (5)
24 years thereafter.

25 [13-2.] 9-102. Reporting house trailers.

26 All persons, firms or corporations owning any house trailer or house trailers
27 which trailer or trailers are located in Carroll County for a period of more than ten
28 days at any one time shall, upon the expiration of [said] THE ten-day period,
29 immediately notify the Supervisor of Assessments of Carroll County, in writing, of the
30 location of [such] THE trailer or trailers in Carroll County. Failure to comply with the
31 provisions of this section shall result in a penalty of ten percent (10%) of the tax due
32 for each month that the owner shall fail to notify the Supervisor of Assessments.

33 [13-3.] 9-103. Tax on house trailers and mobile homes.

34 The County Commissioners of Carroll County are authorized to tax or collect
35 fees from the owners, lessors or occupants of any house trailer or mobile home in
36 Carroll County and to provide by resolution for rules and regulations for the
37 imposition and collection [thereof] OF THE TAX OR FEES as deemed necessary.

[14. Roads]

TITLE 10. ROADS.

SUBTITLE 1. GENERAL PROVISIONS.

4 [14-1.] 10-101. [Roads] POWERS AND DUTIES OF COUNTY COMMISSIONERS.

5 The County Commissioners of Carroll County shall have general charge of and
6 control over all public highways, roads, bridges, streets and alleys of Carroll County
7 except within the limit of incorporated towns[; it]. THE COUNTY COMMISSIONERS
8 shall [be their duty to] keep the [same] PUBLIC HIGHWAYS, ROADS, BRIDGES,
9 STREETS, AND ALLEYS OF CARROLL COUNTY in repair and reasonably safe for public
10 travel, and to that end [they] THE COUNTY COMMISSIONERS shall exercise a general
11 supervision over them throughout the county, and direct general and special repairs
12 and improvements [thereto,] whenever [they] THE COUNTY COMMISSIONERS shall
13 deem [the same] GENERAL AND SPECIAL REPAIRS AND IMPROVEMENTS necessary or
14 advisable for public convenience or safety[; they]. THE COUNTY COMMISSIONERS
15 shall have all the powers with respect to the public highways of the county
16 [heretofore] STATED UNDER THIS TITLE AND vested in the County Commissioners by
17 the public general laws of this State[, and]. THE COUNTY COMMISSIONERS SHALL
18 ASSUME all liabilities [incident thereto] WITH RESPECT TO THE PUBLIC HIGHWAYS
19 OF THE COUNTY, including the right to sue and be sued [in connection therewith, and
20 in addition]. THE COUNTY COMMISSIONERS shall have all the powers [hereinafter]
21 enumerated UNDER THIS TITLE, and all such other and further powers as may be
22 reasonably implied from the nature of the duties imposed [upon] ON them by this
23 [subtitle] TITLE.

24 [14-2.] 10-102. Road districts; bridges; maps; signs.

25 It shall be the duty of [said] THE County Commissioners, as soon as possible
26 after April 3, 1906, to divide the county into road districts, the boundaries of which
27 and the number of such road districts shall be determined by the County
28 Commissioners [having] WITH regard to the convenient and economical construction
29 and repair of the roads. Each road district shall be numbered, and all public roads and
30 large bridges in the county shall be named, and, as far as possible, WITH the names by
31 which they are ordinarily known in the neighborhood [shall be given to each]. The
32 roads in the county shall be classified into main and district roads, and the district
33 roads into first-class, second-class, etc., according to the amount of travel each
34 receives. They shall have prepared a road map of the county upon a scale large
35 enough to show all roads and bridges and the distance between intersections of roads
36 and prominent points [thereon], and the names of each road and bridge, which map
37 shall be prepared within reasonable time. Whenever a new road shall be opened or
38 accepted, or an old road altered or closed, [its] THE location or the fact that [it] THE
39 OLD ROAD has been altered or closed shall be promptly designated on [said] THE
40 map. [Said] THE County Commissioners may at their discretion have finger boards
41 or sign posts placed at roads, crossings or intersections designating the distance to the
42 nearest prominent point.

1 [14-3.]10-103. Road tax; levy.

2 The County Commissioners shall annually levy county taxes, in an amount as
3 determined by [them] THE COUNTY COMMISSIONERS from time to time, for the
4 repair and maintenance of the public roads and bridges in the county.

5 [14-4.] 10-104. Requirements for building roads and bridges.

6 [Said] THE County Commissioners shall adopt a uniform system for the repair
7 and maintenance of the public roads of the county, [such] as [their] THE condition
8 OF THE PUBLIC ROADS may demand and require. [They] THE COUNTY
9 COMMISSIONERS shall provide for the permanent improvement of the main county
10 roads by grading and surfacing, and in order effectually to carry out this requirement
11 [they] THE COUNTY COMMISSIONERS may survey and relocate any of [said] THE
12 roads. The right-of-way of all roads shall be no less than thirty feet in width, plus the
13 easements necessary for slope and drainage, and the roadbed or traveled portion of all
14 roads shall be of sufficient width to allow vehicles to conveniently pass each other.
15 The County Commissioners may purchase all machinery, equipment and materials
16 necessary to make special or permanent improvements or repairs; and, except where
17 made by the County Commissioners themselves, in all cases in which any [such]
18 permanent improvement is made to any of the main county roads, the improvements,
19 except as [herein] otherwise provided, shall be let out on contract. Public bids shall
20 be received for these contracts, after due notice, [upon such] ON THE terms as the
21 County Commissioners may prescribe. The power and authority to build, construct,
22 widen, reconstruct and relocate county roads and bridges in Carroll County is vested
23 in the Board of County Commissioners.

24 [Benefit Assessments]

25 SUBTITLE 2. BENEFIT ASSESSMENTS.

26 [14-5.] 10-201. Construction and improvement; benefit assessments.

27 The County Commissioners of Carroll County are [hereby] authorized to
28 construct and improve roads and drainage incident to [said] THE construction or
29 improvement on or along private roads, after the approval of a petition of the majority
30 of the property owners whose property abuts on the road to be constructed or
31 improved requesting that [said] THE roads be taken into the county roads system. In
32 the exercise of the powers granted by this section, the County Commissioners may by
33 proper ordinance, passed in accordance with the provisions of Section 3 of Article 25 of
34 the Annotated Code of Maryland [(1957 Edition, as amended)], adopt all necessary
35 rules and conditions for the acceptance, construction, and maintenance of [such] THE
36 roads and/or other authorized improvements by the county. [Such] THE ordinance
37 may also provide for annual benefit assessments to be levied against the abutting
38 properties for the purpose of reimbursing the county for the cost of [such] THE
39 improvements and the time and manner of payment, but not to exceed ten years.
40 Annual benefit assessments shall be a first lien upon the property against which they
41 are assessed, until paid, subject only to prior State and county taxes, and if any
42 property be sold for State and county taxes, and there remains a surplus, then the

1 County Commissioners may upon petition to the Circuit Court be allowed the
2 payment of [their] THE ANNUAL ASSESSMENTS lien.

3 [14-6.] 10-202. Record of benefit assessments; liens.

4 For the purpose of giving notice to the general public as to existing liens and
5 charges against any property for benefit assessments, the County Commissioners
6 shall keep a public record of all names of property owners and the locations of [said]
7 THE property, and the amount of [said] THE benefit charges among the Land Records
8 of Carroll County under the supervision of the Clerk of the Circuit Court, and the
9 recordation with [said] THE Clerk of [said] THE benefit assessments shall be legal
10 notice of [such] THE liens.

11 [14-7.] 10-203. Certification of benefit assessments.

12 The County Commissioners shall, before July 1, of each year, certify [its] THE
13 benefit assessments [hereunder] UNDER THIS SUBTITLE to the Collector of State and
14 County taxes for Carroll County for collection from the property owners affected, and
15 [said] THE Collector shall add [said] THE benefit assessments to the State and
16 county property tax bills for collection each year, subject to discount and interest
17 allowances or charges for Carroll County taxes on real property [and upon]. ON THE
18 failure of payment of benefit assessments, [they] THE BENEFIT ASSESSMENTS may
19 be deducted from any surplus in the hands of the Treasurer after a sale for
20 nonpayment of State and county property taxes under proper order of the Circuit
21 Court. In the alternative, the lien created in favor of the annual benefit assessments
22 may be enforced by bill in equity or by action in personam.

23 [14-8.] 10-204. Petition for improvements.

24 (A) Before the powers granted by this section to the County Commissioners
25 shall be exercised there shall first be:

26 (1) [the] THE petition of property owners as [hereinbefore] provided IN
27 THIS SECTION requesting improvements; [public]

28 (2) A PUBLIC hearing [upon said] ON THE petition after ten days' notice
29 either in a newspaper regularly published in Carroll County or by the delivery of a
30 complete copy of [said] THE petition by registered mail or personal delivery to each of
31 the affected abutting property owners[.]; AND

32 (3) [approval] APPROVAL of [said] THE petition by the County
33 Commissioners[; and the passage of].

34 (B) SUBJECT TO SUBSECTION (A) OF THIS SECTION, THE COUNTY
35 COMMISSIONERS SHALL PASS an appropriate ordinance, pursuant to the authority of
36 this section, setting forth the improvements being constructed, the property owners
37 affected, and all material terms of the annual benefit assessments levied to pay the
38 cost of [said] THE improvements, or any reasonable portion [thereof], as determined
39 by the County Commissioners; provided that no assessment shall exceed the total

1 assessed value of the property, excluding any improvements [thereon], after giving
2 effect to benefits accruing [thereto] from the improvement for which assessed.

3 [14-9.] 10-205. Appeals.

4 Any interested person feeling aggrieved by the levying of any benefit
5 assessment under this [subheading] SUBTITLE shall have the right to appeal to the
6 Circuit Court for Carroll County within thirty days after the final adoption of the
7 ordinance by the County Commissioners, and [such] THE court, sitting without a
8 jury, is authorized to hear and determine whether the county commissioners acted
9 [pursuant to] UNDER the authority [granted herein] UNDER THIS SUBTITLE and
10 whether the benefit assessments levied [pursuant to] UNDER the provisions of this
11 [subheading] SUBTITLE are imposed according to law.

12 [14-10.] 10-206. Authority is additional.

13 The authority extended to the County Commissioners by this [section]
14 SUBTITLE shall be in addition to, but not in substitution of, the powers [heretofore]
15 vested in [them] THE COUNTY COMMISSIONERS for the improvement of roads in
16 Carroll County.

17 [Other Road Laws]

18 SUBTITLE 3. OTHER ROAD LAWS.

19 [14-11.] 10-301. Titles and plats.

20 If the County Commissioners acquire title to any plots or areas of land at the
21 time of constructing a new road or widening or relocating an existing road, at the time
22 of recording the deed or deeds [therefor they], THE COUNTY COMMISSIONERS shall
23 require the filing of plats with the deed or deeds showing the location and area of the
24 land thus acquired.

25 [14-12.] 10-302. Obstructions.

26 It shall not be lawful for any person to place any obstruction upon any of the
27 public highways, roads, bridges or alleys of Carroll County, or to interfere with or
28 obstruct the ditches or drains [thereof], or encroach [upon said] ON THE highways,
29 roads and alleys with fences, buildings or anything else which would tend to interfere
30 with travel [thereon; nor]. IT shall [it] NOT be lawful for any person or corporation,
31 its officers, agents or employees engaged in the business of a common carrier, to suffer
32 or permit [his or its] THE engines, tenders or cars or portion thereof to stand on or
33 obstruct any street or highway in Carroll County where it crosses a railroad for a
34 longer period than five minutes at any one time or in shutting to obstruct public
35 traffic over a street or highway for a longer period than five minutes at any one time[;
36 any]. ANY person or corporation violating the provisions of this section, or any of its
37 officers, agents or employees, who have under or subject to [his or] THEIR control,
38 management or direction any [such] vehicle, engine, tender or car which, or any
39 portion of which, is allowed to stand on [said] A street or highway or obstruct traffic

1 longer than the time allowed by this section, shall be guilty of a misdemeanor, and
2 upon conviction thereof by any judge of the District Court exercising criminal
3 jurisdiction in Carroll County, or by the Circuit Court [thereof upon] ON indictment,
4 shall be fined in an amount not less than one nor more than one hundred dollars for
5 each offense, and the corporation shall also be liable for each [such] violation to a like
6 penalty. All persons arrested under this section shall have the right to elect that [his]
7 THE case be sent to the Circuit Court for trial by jury[; the]. THE fines collected
8 under this section shall be paid into the general road fund of the county, and it shall
9 be the duty of all peace officers and all road officials of the county to enforce the
10 provisions of this subtitle.

11 [14-13.] 10-303. Inconsistent laws.

12 Nothing in this [subtitle] TITLE shall be construed or considered in
13 abridgement of the powers over roads, drains and bridges given by the general laws of
14 this State to County Commissioners except where the [same] POWER is in express
15 conflict with the provisions of this [subtitle] TITLE.

16 [Director of Public Roads]

17 [16. Sheriff]

18 TITLE 11. SHERIFF.

19 [16-1.] 11-101. Duties.

20 (a) Report of persons confined. It shall be the duty of the Sheriff to keep a
21 correct and full statement or schedule of all persons committed to the [said] jail,
22 showing the length of time and the offense for which they are committed, and the
23 name of the officer by whom committed, which statement or schedule, together with
24 all books, papers and commitments kept by [him] THE OFFICER, pertaining to
25 prisoners in the jail, shall, at all reasonable times, be open to the inspection of any
26 person or persons. At the first meeting of the Board of County Commissioners of
27 [said] THE county, in each and every month, the [said] sheriff shall make and file
28 with it, under oath, a full and complete report of the names and descriptions of all
29 persons confined in [said] THE jail, with a statement of the length of time and offense
30 for which they are committed.

31 (b) Fees and charges. It shall also be the duty of [said] THE sheriff to collect
32 all fees and charges to which [he or his] THE SHERIFF OR THE SHERIFF'S deputies
33 are entitled by law, including poundage fees, and submit a report, under affidavit,
34 together with all fees so collected, to the [said] County Commissioners, at the end of
35 each month and pay over [said] fees and charges to [said] THE County
36 Commissioners and be credited by [said] THE Commissioners to the general funds of
37 Carroll County.

1 [15A. Solid Waste Projects]

2 TITLE 12. SOLID WASTE PROJECTS.

3 [15A-1.] 12-101. Definitions.

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

5 (b) "Board" means the Board of County Commissioners of Carroll County, the
6 governing body of the County.

7 (c) "Bonds" means notes, bonds and other evidences of indebtedness.

8 (d) "Carroll County" means the geographic area within the corporate limits of
9 Carroll County.

10 (e) "Collection" means the transporting of solid waste from a transfer station
11 or other intermediate disposal facility.

12 (f) (1) "Cost", as applied to a solid waste project, means:

13 (i) The cost of construction or acquisition, including the purchase
14 price, of any solid waste project or the cost of acquiring all or any portion of the right,
15 title or interest in the project and the amount to be paid to discharge all obligations
16 necessary to vest title to the project or any part of it in the County;

17 (ii) The cost of any reconstruction, extension, enlargement,
18 alteration, repair, or improvement;

19 (iii) The cost of closure of any landfill;

20 (iv) The cost of all lands, properties, rights, easements, interests,
21 franchises, and permits acquired;

22 (v) The cost of all labor, machinery and equipment, financing
23 charges, interest prior to and during construction and for [such] THE period after
24 completion of construction as the Board deems appropriate;

25 (vi) The cost of revenue estimates, engineering and legal services,
26 plans, designs, specifications, surveys, investigations, demonstrations, studies,
27 estimates of cost, other expenses necessary or incident to determining the feasibility
28 or practicability of any such acquisition, improvement, or construction;

29 (vii) Administrative expenses, and other expenses necessary or
30 incidental to the financing [herein] authorized IN THIS TITLE, and to the acquisition,
31 operation, maintenance, improvement, or construction of solid waste projects, and the
32 placing of these projects in operation, including reasonable provision for working
33 capital;

1 (viii) Reserves for principal and interest and for extensions,
2 enlargements, additions and improvements.

3 (2) Any obligation or expense incurred [prior to] BEFORE the issuance of
4 bonds or notes under the provisions of this subtitle in connection with the items in
5 this subsection relating to cost may be regarded as a part of that cost.

6 (g) "County" means County Commissioners of Carroll County, a body politic
7 and corporate of the State of Maryland.

8 (h) "Solid Waste Project" means any service, facility or property (real or
9 personal), used or useful or having present capacity for future use in connection with
10 the collection or disposal of solid wastes by any means, including disposal through the
11 production of energy or products, or otherwise. The term includes any service, facility,
12 or property used or useful or having present capacity for future use in connection
13 with:

14 (1) the transporting, transferring, compacting, burying, incinerating,
15 reduction, composting, collection, storage, treatment, utilization, processing, or final
16 disposal of solid wastes;

17 (2) the conversion of solid wastes to fuel, steam, electricity, energy, or
18 other resources or the generation of steam, electricity, or other forms of energy from
19 fuel which is derived from, or is otherwise related to solid wastes;

20 (3) the reconstruction, converting or other recycling of solid wastes into
21 materials which are not solid wastes or which are useful or marketable; or

22 (4) a combination of the foregoing (whether or not those facilities are
23 located on a single site). "Solid Waste Project" also includes but is not limited to:

24 (i) Solid waste disposal facilities, pollution control facilities, and
25 facilities for generating and furnishing electric energy or gas or other forms of energy
26 which can be financed by bonds the interest on which is exempt from income tax
27 under the Internal Revenue Code of 1986, as amended, whether such interest would
28 have been tax exempt at the time of the enactment of this [subtitle] TITLE or of any
29 amendment thereto; and

30 (ii) any facilities and properties within the definition of "Solid
31 Waste Project", set forth in this subsection, whether or not such facilities or properties
32 can be financed by bonds the interest on which is tax exempt under the Internal
33 Revenue Code of 1986, as amended. It is the purpose and intent of this [subtitle]
34 TITLE that "Solid Waste Project" be liberally construed so as to effectuate the
35 purposes of this [subtitle] TITLE.

36 (5) "Solid Waste Project" includes land, buildings, structures, machinery,
37 equipment, rail or motor vehicles, barges, boats, and all properties and rights therein
38 and appurtenances thereof, rights-of-way, franchises, easements and other interests
39 in land, all land and facilities which are functionally related and subordinate to a

1 solid waste project and all patents, licenses and other rights necessary or useful in the
2 construction or operation of a Solid Waste Project.

3 (i) "Solid Wastes" means all waste materials, whether solid, liquid or gas,
4 including garbage, rubbish, ashes, incinerator residue, wastewater treatment
5 residue, street cleanings, dead animals, demolition and construction debris,
6 household appliances, automobile bodies, offal, paunch manure, methane or other
7 gases, sewage sludge, and solid or gaseous waste materials from commercial,
8 agricultural, industrial, or community activities.

9 [15A-2.] 12-102. Solid waste projects allowed.

10 To provide for the general health and welfare of the residents of the County, the
11 County may acquire, construct, operate, and maintain [such] solid waste projects as
12 it deems to BE in the public interest or enter into contracts with other public or
13 private entities under which [such] THE entities shall acquire, construct, operate or
14 maintain solid waste projects for the County.

15 [15A-3.] 12-103. Bond authorization.

16 For the purpose of providing funds to pay the costs of solid waste projects, the
17 County is authorized and empowered to borrow money, in an aggregate amount not to
18 exceed \$6,000,000 from time to time, and to effect [such] THE borrowing by the
19 issuance and sale of bonds. The bonds may be issued at one time, or from time to time,
20 in one or more groups or series, as the Board may determine. The Board shall by
21 resolution fix the maturity of any of the bonds, provided that the bonds may not
22 mature later than 30 years from the date of their issue, and provided further that the
23 bonds may be issued on the serial maturity plan or [such] other plan as the Board
24 finds and determines to be necessary or desirable in connection with the issuance and
25 sale of the bonds. The resolution may fix the denomination of the bonds, the form and
26 tenor of the bonds, which (without limitation) may be issued in "registered form"
27 within the meaning of Section 30 of Article 31 of the Annotated Code of Maryland as
28 effective from time to time, the rate or rates of interest payable thereon, or the
29 method of determining the same, which may include a variable rate, the manner and
30 place of payment, the date, place, and terms of the sale of the bonds, and all details
31 not provided for with respect to the form, issuance, and sale. The bonds shall be
32 signed by any member of the Board designated by a resolution of the Board to be the
33 signatory and by the Clerk to the County Commissioners of Carroll County. The seal
34 of the County shall be affixed to the bonds.

35 [15A-4.] 12-104. Same; public or private sale allowed.

36 Any bonds issued under this [subtitle] TITLE may be sold, in the discretion of
37 the Board, at public or private sale. Bonds may be sold at less than par. Any bonds
38 issued under this [subtitle] TITLE shall be exempt from the provisions of Sections 10
39 and 11 of Article 31 of the Annotated Code of Maryland [(1986 Replacement Volume
40 and 1988 Cumulative Supplement)]. Any and all bonds issued under this [subtitle]
41 TITLE, their transfer, the interest payable on them, and any income derived from
42 them from time to time (including any profit made in their sale) shall be and

1 [hereby] are declared to be at all times exempt from State, County, Municipal or
2 other taxation of every kind and nature [whatsoever] within the State of Maryland.

3 [15A-5.] 12-105. Same; proceeds.

4 The proceeds of the sale of bonds shall be paid to the County and shall be placed
5 in [such] A fund or account as the Board determines to be appropriate. The proceeds
6 net of any expenses of issuance and sale of the bonds shall be expended from time to
7 time for the purposes specified in [Section 15A-3] § 12-103 OF THIS TITLE upon the
8 terms, conditions, and documentation as the Board may provide by resolution.

9 [15A-6.] 12-106. Same; payment.

10 (a) In the discretion of the Board, the principal of and interest on any bonds
11 issued under this [subtitle] TITLE may be made payable solely from the proceeds of
12 solid waste collection or disposal rates or charges imposed under this [subtitle]
13 TITLE, which revenues the County is [hereby] authorized to pledge to [such] THE
14 payment. The County may covenant to fix [such] THE rates and charges for the use
15 of any solid waste project, or the system of which it forms a part, as will generate
16 sufficient revenues to pay the annual cost of maintenance and operation [thereof] OF
17 THE PROJECT and to pay the maturing principal of and interest on any bonds issued
18 under this [subtitle] TITLE when due. Bonds secured as provided in this [subsection]
19 TITLE do not constitute an obligation of the faith and credit of the County but, on the
20 contrary, shall recite that the principal and interest [thereof] are payable solely from
21 the revenues prescribed in the resolution or indenture authorizing the bonds.

22 (b) If the Board determines it to be appropriate, the County may pledge the
23 full faith and credit and unlimited taxing power of the County to the payment of the
24 principal and interest on all or any part of a series of bonds issued under this
25 [subtitle] TITLE. Those bonds may be secured as provided in this subsection
26 [15A-6(b)] only to the extent that the total of the par value of such bonds, together
27 with all other outstanding bonded indebtedness of the County secured or guaranteed
28 by the full faith or credit of the County, less the amount of any sinking funds or
29 reserves for payment of bonds previously issued, does not exceed 15 percent of the
30 total assessed valuation of all property in Carroll County subject to unlimited County
31 taxation during the fiscal year of the County most recently concluded. In the event
32 that the funds available to the County from all sources are insufficient to pay any
33 bonds guaranteed under this subsection, together with the interest due [thereon] ON
34 THE BONDS, the Board, on behalf of the County, in each and every fiscal year in which
35 bonds are outstanding shall levy and collect ad valorem taxes [upon] ON all the
36 legally assessable property within the corporate limits of Carroll County in rate and
37 amount sufficient to provide for [such] THE payments when due, together with
38 accrued interest to the date of payment. In the event the proceeds from the taxes so
39 levied in any fiscal year are inadequate for the above purposes, the Board, on behalf
40 of the County, shall levy additional taxes in the succeeding fiscal year to make up any
41 deficiency. Bonds secured as provided in this [subsection] TITLE, in the Board's
42 discretion, also may be secured by any revenues or pledge authorized under
43 subsection [15A-6(A)] (A) OF THIS SECTION.

1 [15A-7.] 12-107. Same; security.

2 (a) The County may enter into agreements with agents, banks, fiduciaries,
3 insurers, or other for the purpose of enhancing the marketability of and security for
4 the bonds and for the purpose of securing any tender option that may be granted to
5 holders of the bonds. As additional security for the payment of the principal of and
6 interest on the bonds, the County may convey or assign any real or personal property
7 which constitutes a solid waste project or the system of which it forms a part. [Such]
8 THE pledge, conveyance, or assignment shall be valid and binding against any person
9 having a claim of any kind against the County, irrespective of whether the person has
10 notice.

11 (b) (1) Any trust indenture entered into under this section may contain
12 covenants on the part of the County deemed necessary or appropriate by the Board for
13 the proper security of the purchasers of [any such] THE bonds, but the County may
14 not enter into any covenant which permits the trustee or bondholders in any manner
15 to sell or otherwise divest the County of its title to any solid waste project or projects
16 financed with the proceeds of [any such] THE bonds, without the prior written
17 consent of the County. Subject to the foregoing limitation, [any such] A trust
18 indenture may contain covenants for the protection of bondholders, relating to all or
19 any of the following:

20 (i) The nature, extent and procedure for acquiring or constructing
21 any solid waste project or projects and the supervision [thereof] OF THE SOLID
22 WASTE PROJECT OR PROJECTS;

23 (ii) The maintenance and operation of any [such] SOLID WASTE
24 project or projects, and the supervision [thereof] OF THE SOLID WASTE PROJECT OR
25 PROJECTS, the employment of consulting engineers, auditors, attorneys and other
26 experts in connection with [any such] THE acquisition, construction, maintenance or
27 operation;

28 (iii) The terms and provisions of the bonds and the securing of the
29 proceeds [thereof], the imposition and collection of rates and charges for the use of
30 [any such] THE project or projects and the use, application and security of any
31 revenues so collected, including the establishment, deposit and securing from [any
32 such] THE revenues for debt service on, or prior redemption of, [any such] THE
33 bonds, or for the maintenance, operation and improvement of any [such] SOLID
34 WASTE project or projects;

35 (iv) The insurance on any [such] SOLID WASTE project or projects;

36 (v) The issuance of additional bonds for any [such] SOLID WASTE
37 project or projects and the limitations [thereon] OF THE BONDS;

38 (vi) The powers, duties and indemnification of any trustee, or its
39 successor, party to any such indenture;

40 (vii) The rights and remedies of the trustee and of bondholders in the
41 event of any default by the County under [any such] THE trust indenture, which

1 rights and remedies may include the taking over of any operation by the trustee or by
2 a receiver appointed by a court of competent jurisdiction of the project or projects
3 financed with the proceeds of [any such] THE issue of bonds secured by [such] THE
4 trust indenture, and the [marshalling] MARSHALING of the revenues from [any
5 such] THE project or projects for the use and benefit of bondholders.

6 (2) In addition to the covenants enumerated above but subject to the
7 limitations [herein] contained IN THIS SECTION, the County is [hereby] authorized
8 to make [such further] additional covenants in any [such] trust indenture, of like or
9 different character as, in its judgment, may be necessary, convenient or desirable for
10 the better security of any issue of its bonds secured by [any such] THE trust
11 indenture or as will, in its judgment, tend to make [any such] THE bonds more
12 marketable.

13 [15A-8.] 12-108. Fees in solid waste collection or disposal.

14 For the purposes of carrying out the provisions of this [subtitle] TITLE, the
15 County, by resolution, may impose reasonable rates and charges for solid waste
16 collection or disposal. The funds derived from [such] THE rates and charges shall be
17 used to pay the costs of the County's solid waste projects, including (without
18 limitation) the principal of and interest on bonds issued under this [subtitle] TITLE.
19 The resolution may establish a reasonable basis for setting the rates and charges,
20 prescribe a schedule of rates and charges, and designate solid waste collection or
21 disposal service areas within the County. The resolution may provide that the rates
22 and charges are chargeable against all or part of the occupied lots or parcels of land in
23 the County or in service areas established by the County and constitute a first lien on
24 such property and may establish reasonable times and methods for collection of the
25 rates or charges, which may be levied and collected and have the same priority and
26 rights and bear the same interest and penalties and in every respect be treated the
27 same as taxes of the County. The County may modify the amount of the rates and
28 charges by a resolution or by other action authorized by the resolution imposing the
29 rates and charges. Before setting or modifying the rates and charges, the County shall
30 give notice of the proposed rates or charges in at least one newspaper of general
31 circulation in the County and hold a public hearing on the necessity or advisability of
32 the proposed rates or charges. The powers granted by this section are in addition to
33 other powers of the County granted under law and may not be restricted by any debt
34 or tax rate limitation in any general or local law. Rates and charges imposed under
35 this section are not subject to the jurisdiction of any authority or other unit of
36 government.

37 [15A-9.] 12-109. Contracts authorized.

38 The County is empowered to make any contract or agreement the Board
39 determines to be necessary or incidental to the execution of the purpose of and the
40 powers granted by this [subtitle] TITLE, including contracts with the federal or any
41 state government, or any unit, instrumentality, municipality, or subdivision
42 [thereof], or with any person on terms and conditions the Board approves, relating
43 to:

1 (1) The use by the other contracting party or the inhabitants of any
2 municipality of any solid waste project acquired, constructed, reconstructed,
3 rehabilitated, improved, or extended by the County under this [subtitle] TITLE or the
4 services therefrom or the facilities thereof;

5 (2) The use by the County of the services or facilities of any solid waste
6 project not owned or operated by the County;

7 (3) The sale of any fuel, steam, electricity, energy, or other material or
8 resource derived from the operation on any solid waste project;

9 (4) The acceptance, processing, treatment and disposal of solid wastes by
10 one or more projects; or

11 (5) The employment or retention of consulting and other engineers,
12 superintendents, financial advisors, attorneys, accountants, and such other
13 employees, advisors or agents as in the judgment of the Board may be deemed
14 necessary or desirable.

15 [15A-10.] 12-110. Regulations authorized.

16 The County by resolution may require the delivery of all or any portion of the
17 solid wastes generated or disposed of within Carroll County to facilities designated by
18 the Board and located within Carroll County or to facilities located outside of Carroll
19 County if the County has contracted for capacity at or service from such facilities.
20 However, recyclable material which has been removed or segregated from solid
21 wastes may be disposed of at any facilities which accept and process such recyclable
22 material. The County may provide in [such] THE resolution that it is unlawful for
23 any person to dispose of solid wastes in or at any other place. The County may impose
24 a civil penalty of up to \$1,000 for the first violation of [any such] THE resolution and
25 up to \$5,000 for each subsequent violation. The County may provide further in the
26 resolution that a violation of the resolution shall result in revocation of the license of
27 the violator to collect or dispose of solid wastes within the boundaries of Carroll
28 County.

29 [17. Springfield State Hospital]

30 TITLE 13. SPRINGFIELD STATE HOSPITAL.

31 [17-1.] 13-101. Water connections.

32 The Board of Managers of the Springfield State Hospital are [hereby]
33 authorized and empowered to allow a connection of the water system of Sykesville
34 with the Hospital's filtered water system, at such location and under such conditions
35 of payment as may be agreed upon by Board of Managers and the Mayor and Council
36 of Sykesville, or to extend Hospital's system to the location of connection at the
37 expense of the town of Sykesville, as may be necessary; and Board of Managers are
38 further authorized and empowered to supply at all times the town of Sykesville with
39 [such] AN amount of water as may be required by town, [as such] AT A reasonable

1 rate or rates per thousand gallons as may be mutually agreed upon by Board of
2 Managers and Mayor and Council, which rate or rates may be changed by mutual
3 agreement as conditions may require.

4 [15. Sanitary Commission]

5 TITLE 14. WATER, SEWERAGE, AND DRAINAGE SYSTEMS.

6 SUBTITLE 1. GENERAL PROVISIONS.

7 [15-1.] 14-101. [Water, sewerage, and drainage systems.] DEFINITIONS.

8 (a) In this [subtitle] TITLE the following words have the meanings indicated:

9 (b) "Board" means the Board of County Commissioners of Carroll County, the
10 governing body of the County.

11 (c) "Bonds" mean notes, bonds, and other evidences of indebtedness or
12 obligations.

13 (d) "Carroll County" means the geographic area within the corporate limits of
14 Carroll County.

15 (e) "Commission" means the Carroll County Sanitary Commission created by
16 Chapter 754 of the Acts of 1967, the powers and functions of which are transferred to
17 the County by this [subtitle] TITLE.

18 (f) "County" means County Commissioners of Carroll County, a body politic
19 and corporate of the State of Maryland.

20 (g) "Project" means any water system, sewerage system, drainage system, and
21 any combination or part or parts thereof owned, constructed, or operated by the
22 County under the provisions of this [subtitle] TITLE.

23 (h) "Service Area" means the area within Carroll County in which the Board
24 may exercise power and authority under this [subtitle] TITLE in accordance with the
25 provisions of [Section 15-3] § 14-106 of this subtitle.

26 (i) "Sewage" means the water-carried wastes created in and carried, or to be
27 carried, away from residences, hotels, schools, hospitals, industrial establishments,
28 commercial establishments or any other private or public building or location,
29 together with such household and industrial wastes as may be present.

30 (j) "Sewerage system" means all plants, systems, facilities, or properties used
31 or useful or having the present capacity for future use in connection with the
32 collection, carrying away, treating, neutralizing, stabilizing, or disposal of sewage,
33 industrial wastes, or other wastes, and any integral part thereof, including sewage
34 treatment plants, disposal fields, lagoons, pumping stations, drainage ditches,
35 intercepting ditches, outfall sewers, trunk sewers, intercepting sewers, lateral
36 sewers, force mains, pipes, pipe lines, conduits, equipment, appurtenances, and all

1 properties, rights, easements, and franchises relating thereto and deemed necessary
2 or convenient by the Board for the operation thereof; a sewerage system may include
3 related drainage facilities.

4 (k) "Drainage system" means all plants, systems, facilities, or properties, and
5 all properties, rights, easements, and franchises relating thereto and deemed
6 necessary or convenient by the Board for the operation thereof, used or useful or
7 having the present capacity for future use in connection with (1) the collection,
8 control, distribution, carrying away, or disposal of surface waters and any integral
9 part thereof, including (without limitation) storm water drainage; (2) the prevention
10 and control of erosion, and any integral part thereof; and (3) the management and
11 control of sedimentation, and any integral part thereof; "Drainage system" does not
12 include drainage facilities which are part of a water system or sewerage system and
13 which are not part of a system having the primary purpose of draining surface waters.

14 (l) "Water system" means all plants, systems, facilities, or properties used or
15 useful or having the present capacity for future use in connection with the supply or
16 distribution of water and any integral part thereof, including water supply systems,
17 water distribution systems, reservoirs, dams, wells, intakes, mains, laterals, pumping
18 stations, standpipes, filtration plants, purification plants, hydrants, meters, valves
19 and equipment, appurtenances, and all properties, rights, easements, and franchises
20 relating thereto and deemed necessary or convenient by the Board for the operation
21 thereof; a water system may include related drainage facilities.

22 [15-1A.] 14-102. Prior Sanitary Commission superseded.

23 (a) The Carroll County Sanitary Commission was created by Chapter 754 of
24 the Acts of 1967, effective June 1, 1967, and, at the time of its creation, the
25 Commission replaced and succeeded the District (a body politic and corporate) created
26 in Carroll County pursuant to the provisions of [Sections 645 to 673, inclusive, of
27 Article 43 of the Annotated Code of Maryland (1957 Edition, as amended and
28 supplemented from time to time)] TITLE 9 OF THE ENVIRONMENT ARTICLE OF THE
29 ANNOTATED CODE OF MARYLAND. Upon the creation of the Commission, such
30 District ceased to exist as a body politic and corporate on June 1, 1967.

31 (b) Chapter 622 of the Acts of 1976, created [Section 3-67] § 3-901 of this
32 Article, effective July 1, 1977, and provided, among other matters, that the Board
33 could abolish the Commission by a certain procedure and create a Department of
34 Public Works. The Board determined that, in the interest of the efficiency and
35 economy of County operations, the County should undertake the powers and
36 functions of the Commission on July 1, 1979. Appropriate amendments have been
37 made in this subtitle, effective July 1, 1979, to implement this determination without
38 the necessity of any further action by the Board, whether by ordinance or resolution
39 or otherwise. This subtitle does not impair any power of the Board pursuant to
40 [Section 3-67] § 3-901 OF THIS ARTICLE or other authority to create a Department of
41 Public Works and to assign the department responsibilities to implement the Board's
42 actions under this subtitle.

1 [15-1B.] 14-103. County assumes Commission powers.

2 On July 1, 1979, the Commission shall cease to exist as a separate entity. It is
3 the intent and purpose of the General Assembly of Maryland that on and after July 1,
4 1979, the County shall succeed to and exercise all the powers previously exercised by
5 the Commission, and the County shall undertake and thereafter perform any and all
6 obligations of the Commission, either as successor to any District or incurred on its
7 own behalf.

8 [15-1C.] 14-104. County reaffirms obligations.

9 (a) This [subtitle] TITLE does not impair or affect in any way the validity or
10 enforceability of any proceeding or action taken, or any obligations or indebtedness
11 incurred:

12 (1) By such District, by its governing body, by the County, or by the
13 Board on behalf of the County pursuant to [Article 43] TITLE 9 OF THE
14 ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND prior to June 1,
15 1967; or

16 (2) By the Commission, by the County, or by the Board on behalf of the
17 County pursuant to Chapter 754 of the Acts of 1967, as amended and supplemented,
18 prior to July 1, 1979.

19 (b) All proceedings and actions taken by the District, by its governing body, by
20 the County, or by the Board on behalf of the County pursuant to [Article 43] TITLE 9
21 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND prior to
22 June 1, 1967, and all proceedings and actions taken by the Commission, by the
23 County, or by the Board on behalf of the County pursuant to Chapter 754 of the Acts
24 of 1967, as amended and supplemented, prior to July 1, 1979, are ratified, validated
25 and confirmed; the authorization, sale, and issuance of all bonds and other
26 obligations issued pursuant to [said Article 43] TITLE 9 OF THE ENVIRONMENT
27 ARTICLE OF THE ANNOTATED CODE OF MARYLAND and pursuant to Chapter 754 of
28 the Acts of 1967, as amended and supplemented, prior to July 1, 1979, are ratified
29 and confirmed, and all of these bonds and other obligations are validated as being
30 validly authorized, sold, and issued. It is the intent and purpose that the County, on
31 and after July 1, 1979, shall undertake and satisfy in all respects any and all
32 obligations evidenced by such bonds and other obligations in accordance with their
33 terms.

34 (c) In the event that the Board decides that any modification of an existing
35 rate, charge, or assessment previously established (1) by the District, by its governing
36 body, by the County, or by the Board on behalf of the County pursuant to [Article 43]
37 TITLE 9 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND
38 prior to June 1, 1967, or (2) by the Commission, by the County, or by the Board on
39 behalf of the County pursuant to Chapter 754 of the Acts of 1967, as amended and
40 supplemented, prior to July 1, 1979, is necessary or desirable, the Board promptly
41 shall give notice of the proposed rates, charges, and assessments in at least one
42 newspaper of general circulation in Carroll County. Thereafter, the Board shall

1 conduct a public hearing on the necessity or advisability of the proposed rates,
2 charges, or assessments.

3 (d) Without in any way limiting the provisions of this [subtitle] TITLE or of
4 any other provision of law, the County has and may exercise all powers necessary or
5 convenient for carrying out the purposes set forth in this [subtitle] TITLE, including
6 but without limiting for generality of the foregoing, the following:

7 (1) To sue and be sued, implead and be impleaded, complain, and defend
8 in all courts.

9 (2) To appoint officers, attorneys, accountants, agents, employees, and
10 servants to implement the provisions of this [subtitle] TITLE and to fix their
11 compensation and to supervise their duties.

12 (3) To borrow money and issue bonds, certificates, or other evidence of
13 indebtedness, the borrowing of all money and the issuance of all bonds being subject
14 to the terms, provisions, and specifications contained in this [subtitle] TITLE.

15 (4) To establish, extend, and maintain water, sewerage, and drainage
16 systems in Carroll County other than in any municipal corporation which existed on
17 June 1, 1967, and in those areas within 1 mile of the present corporate limits of any
18 existing municipal corporation or the corporate limits as may be established by an
19 existing municipal corporation unless such water, sewerage, and drainage systems
20 are approved in accordance with [Section 15-3] § 14-106 of this [subtitle] TITLE.

21 (5) To enter into contracts with any third person to effect the purposes of
22 this [subtitle] TITLE.

23 [15-2.] 14-105. Annual audit.

24 [(a)] The County shall annually have any accounts which are maintained to
25 implement this [subtitle] TITLE audited by a certified public accountant to be
26 selected by the Board; all fees incurred by such accountant in connection with the
27 audit shall be paid by the County; and the County shall publish a full, true and
28 itemized account of its receipts and disbursements under this [subtitle] TITLE in a
29 newspaper published in Carroll County.

30 [(b)] Officers; staff; surety bonds. The Commission shall elect one of its
31 members as Chairman. Subject to the approval of the Board, the Commission shall
32 appoint, discharge and fix the compensation of a Secretary-Treasurer, a Chief
33 Engineer and such engineering, legal, clerical and other personnel and help as from
34 time to time the Commission may deem necessary to carry out the provisions of this
35 subtitle. The Secretary-Treasurer, if any, appointed by the Commission shall be the
36 collector of all charges and assessments made by the Commission, and shall receive
37 and account for all monies which shall be due and payable to the Commission from
38 any source whatsoever. All monies deposited shall be protected by a depository bond,
39 or by such other securities as may be approved by the Commission. The
40 Secretary-Treasurer shall give bond to the State of Maryland to the amount of
41 \$20,000.00, with a good and sufficient surety to be approved by the Commission, with

1 the condition "that if the above bounden shall well and faithfully execute his office
2 and shall account to the Commission for all monies which he shall receive for account
3 of the Commission, or be answerable for by law, then the said obligation to be void,
4 otherwise to be and remain in full force and effect." The bond, when approved, shall
5 be recorded in the office of the Clerk of the Circuit Court for Carroll County; and the
6 person so appointed, before entering upon the duties of his office shall take an oath
7 before the Clerk of the Circuit Court for the County, in form similar to that taken by
8 collectors of taxes, except as to the title of the office. The Commission may pay the
9 premiums on all bonds. All checks issued by the Commission shall be signed by the
10 Secretary-Treasurer and countersigned by one member of the Commission.

11 (c) Audits; reports. The Commission shall annually have its accounts audited
12 by a certified public accountant to be selected by the Commission and approved by the
13 Board; all fees incurred by such accountant in connection with the audit shall be paid
14 by the Commission; and the Commission shall publish a full, true and itemized
15 account of its receipts and disbursements in a newspaper published in Carroll
16 County.]

17 [15-3.] 14-106. Right to make improvements, notice.

18 (a) To provide for the general health and welfare of the residents of Carroll
19 County, the County may acquire, construct, operate, and maintain [such] THE water,
20 sewerage, and drainage systems as it deems to be in the public interest. The County
21 may cause surveys, plans, specifications, and estimates to be made for [such] THE
22 systems. Unless all owners of land which will be served by any [such] proposed
23 improvements consent in writing to [such] THE improvements being made, the
24 County shall construct any [such] system or extension [thereof] only after a public
25 hearing held by the Board, after giving notice [thereof] in two newspapers of general
26 circulation published in Carroll County at least seven days [prior to] BEFORE the
27 hearing, and in the case of drainage systems, only after a drainage area has been
28 established pursuant to [Section 15-5A] § 14-201 of this [subtitle] TITLE. At the
29 hearings, a description of the proposed improvements shall be presented together
30 with the estimated costs [thereof] and estimated revenues to be derived therefrom.

31 (b) The power and authority conferred upon the County of this [subtitle]
32 TITLE may be exercised by [it] THE COUNTY throughout Carroll County. Provided,
33 however, (1) Except as otherwise provided in this [subtitle] TITLE, the Service Area
34 within which the County may exercise power and authority under this [subtitle]
35 TITLE shall not include any municipal corporation which existed on June 1, 1967, and
36 the County shall exercise no authority over the operation or construction of the
37 sewerage, water and drainage systems of any municipal corporation which existed on
38 June 1, 1967, including the extension of such systems beyond the corporate limits of
39 such municipality as such extensions existed on June 1, 1967.

40 (2) The County shall not provide for the operation or construction of any
41 water, sewerage, or drainage systems within areas one mile from the present
42 corporate limits of any existing municipal corporation or one mile from the corporate
43 limits of any existing municipal corporation which may be created by annexation
44 pursuant to Article 23A of the Annotated Code [of the Public General Laws] of

1 Maryland except when the [said] municipal corporation shall by appropriate
2 ordinance, resolution or approval provide that the County may exercise authority over
3 the operation or construction of water, sewerage, and drainage systems within [such]
4 THE areas. [Upon] ON the request of the County to construct water, sewerage and/or
5 drainage systems within one mile of any existing municipal corporation the [said]
6 municipal corporation shall within six months either agree to provide [such] THE
7 WATER, SEWERAGE, AND DRAINAGE systems or grant approval to the County to
8 provide [such] THE water, sewerage and/or drainage systems.

9 (3) That any municipal corporation which existed on June 1, 1967, may
10 by appropriate ordinance or resolution transfer the jurisdiction, power and control of
11 any sewerage, water or drainage system of [such] THE municipal corporation to the
12 County [upon] ON THE terms and conditions approved by the Board and may consent
13 to be included within the service area.

14 (4) That any municipal corporation which existed on June 1, 1967, in
15 which there is no existing sewerage, water or drainage system may consent to be
16 included within the service area.

17 [15-4.] 14-107. Facilities in unincorporated areas.

18 If the residents of any unincorporated locality in Carroll County make
19 application for a water, sewerage or drainage system, or part thereof, to be
20 constructed in their locality, the County may require the applicants to bear the
21 reasonable costs for any preliminary engineering studies that the Board deems
22 necessary to determine whether it is feasible to construct the improvements. Upon
23 receipt of such reasonable costs as the Board determines to be necessary to conduct
24 the studies, the Board shall have the studies made and within a reasonable time
25 thereafter advise the applicants of the results [thereof] together with the Board's
26 determination with respect to the application.

27 [15-4A.] 14-108. Surface waters.

28 The Board may prepare a plan or plans which in its judgment are necessary or
29 required for the control and disposition of surface waters within the limits, or any
30 part of, the service area and shall then divide the service area, or any part [thereof],
31 into separate drainage areas. Each separate drainage area shall comprise, insofar as
32 practicable, all land from which surface water drains by gravity along a stream or a
33 natural water course to its nearest major outlet to tidewater. The division of the
34 service area, or any part [thereof], into drainage areas shall be effected by a
35 resolution adopted by the Board, after a hearing [duly] held not less than 10 days
36 after notice of the hearing, published in a newspaper having general circulation in the
37 drainage area to be created, which resolution shall contain a definite description of
38 the boundaries of the drainage area or areas and shall identify each drainage area by
39 a distinctive name. After the passage of the resolution, the Board shall cause a plat of
40 the drainage area or areas to be prepared, one copy of which plat shall be filed with
41 the Clerk of the Board and one copy of which shall be indexed and filed among the
42 Land Records of Carroll County. Upon the filing of this plat, any drainage area shown
43 on the plat is designated and constituted for the purpose of this subtitle to be a

1 separate drainage area and a taxing district for the purpose of imposing the drainage
2 area assessments and taxes authorized by [Section 15-20A] § 14-703 of this
3 [subtitle] TITLE, and the filing of this plat shall constitute legal notice to the public
4 of the action of the Board.

5 [15-25.] 14-109. Rules and regulations.

6 The Board may prescribe all needful rules and regulations for the
7 administration and enforcement of this [subtitle] TITLE. In addition to its own power
8 to adopt appropriate rules and regulations, the Board may adopt and enforce
9 regulations of the State Department of Health and Mental Hygiene [and/or] AND the
10 Carroll County Health Officer fixing standards of construction for water and sewer
11 facilities or installations. [Prior to] BEFORE the adoption of any [such] rules and
12 regulations other than those of the State Department of Health and Mental Hygiene
13 or the Carroll County Health Officer the Board shall give public notice of the rules
14 and regulations which it proposes to adopt by publishing the same in at least two
15 newspapers of general circulation published in Carroll County at least twice BUT not
16 less than fifteen (15) days [prior to] BEFORE A public hearing, the date, time and
17 place of which shall be specified in [such] THE notice.

18 [15-25A.] 14-110. Reservation of capacity for public purposes.

19 The governing authority of the Sanitary District may reserve sewerage or water
20 treatment capacity for the development of schools or other public buildings, facilities
21 or services, or industrial development. The amount of capacity held in reserve may
22 not exceed 15 percent of the system.

23 [15-26.] 14-111. Advisory Council.

24 The Board may create and appoint an advisory council to the Board under this
25 [subtitle] TITLE. The advisory council may consist of all or any of the former
26 members of the Commission, or any other members as the Board may deem necessary
27 or desirable. The advisory council may review and recommend rates, policies and
28 plans for the maintenance, design, construction or establishment of any water,
29 sewerage or drainage system existing or to be constructed or established in Carroll
30 County.

31 SUBTITLE 2. ACQUISITION OF PROPERTY.

32 [15-5.] 14-201. Acquisition of property.

33 (a) Whenever it is deemed necessary by the County to take or acquire any
34 land, structure, or buildings, or any stream bed, waterway, water rights, or
35 watershed, either in fee or as an easement, within or without Carroll County, for the
36 construction, extension or maintenance of any water main, sewer, or appurtenance
37 thereof, or any sewage treatment plant, reservoir, water treatment plant, storage
38 tank, or pumping station or any surface water drainage facility or for the execution by
39 the County of any other power or function vested in it by this [subtitle] TITLE, the
40 County, if it be unable to acquire the property or right by purchase, may condemn the

1 property or right by proceedings in the Circuit Court for the county in which the
2 property or right is located, as provided for condemnation of land by public service
3 corporations in the Public General Laws of Maryland, now or hereafter in effect; and
4 the County may likewise condemn the interest of any tenant, lessee, or other person
5 having any right or interest in the property or right. At any time after ten days after
6 the return and recordation of the verdict or award in [such] A proceeding UNDER
7 THIS SECTION, the County may enter and take possession of the property so
8 condemned, upon first paying to the Clerk of the Court the amount of the award and
9 all costs taxed to that date, notwithstanding any appeal or further proceedings upon
10 the part of the defendant. At the time of [said] payment, however, the County shall
11 give its corporate undertaking to abide by and fulfill any judgment in any such appeal
12 or further proceedings provided, however, that the County shall have (1) no authority
13 to condemn, take or acquire any stream bed, waterway, water rights or drainage area
14 used by or for which plans are being made to be used by any municipal corporation
15 which existed on June 1, 1967, without the approval of such municipal corporation
16 and (2) no authority to condemn sewerage, water, or drainage systems owned and
17 operated by any municipal corporation which existed on June 1, 1967.

18 (b) In the condemnation of privately-owned water, sewerage or drainage
19 systems the jury shall take into consideration as a part of its award any payment,
20 contribution, or tax upon the respective lot owners or purchasers toward the
21 construction of [said] THE system, and where [said] THE system or systems have
22 been built in connection with or for the purpose of developing home sites,
23 subdivisions, or villages, or by any individuals, firm, or corporation, and [such] THE
24 system or systems have been offered as an inducement for the purchase of lot or land
25 therein, the jury shall deduct from the determined value of the plant or system
26 [such] A sum as it may reasonably determine was added to the purchase price of the
27 land or lots in the sale thereof for the purpose of constructing [said] systems.

28 (c) Privately-owned systems shall be taken under condemnation by the
29 County free and clear of all debts and liens, but the County shall make a party
30 defendant of any person, firm, or corporation having any recorded lien or
31 encumbrance against the [same] PRIVATELY-OWNED SYSTEMS, and the Circuit
32 Court may determine the respective amounts due the defendants; and from and after
33 payment into Court or to the proper parties as [hereinabove] provided IN THIS
34 SUBSECTION, the County is authorized to take possession of, maintain, and operate
35 the system, which shall be subject to the same regulations and penalties as though
36 the system so acquired had been constructed and put into operation by the County
37 under the provisions of the [subtitle] TITLE; provided, however, that no building or
38 premises actually connected in an adequate manner with an acquired water or
39 sewerage system shall be required to pay any connection charge.

40 (d) Whenever there is in existence a privately-owned water supply, sewerage
41 or drainage system which in the judgment of the Board is unsuitable in whole or in
42 part, for the incorporation into the County's system, the Board may disregard the
43 existence of [said] THE system or unsuitable part [thereof] OF THE SYSTEM and
44 extend its system to serve the area tributary to the existing system or unsuitable part
45 [thereof] OF THE SYSTEM, and all the provisions of this [subtitle] TITLE relating to
46 systems constructed by the County apply thereto.

1 [15-6.] 14-202. Acquisition by purchase or gift.

2 (a) The County may purchase or acquire by gift any existing water, sewerage,
3 or drainage systems, or parts [hereof], including those owned, operated by, or serving
4 any municipality, or any land, structure, buildings, stream bed, water rights, or
5 watershed, either in fee or as an easement, which in its judgment is desirable or
6 necessary for the purpose of providing adequate water, sewerage or drainage service
7 or any of them for the residents of the service area. Any such purchase may be made
8 upon such terms and conditions as may be agreed upon, but before any part of the
9 purchase price is paid, other than a nominal sum of money to bind the agreement, it
10 is the duty of the vendor or agent to furnish a statement to the Board setting forth all
11 names and addresses of persons having any interest or claims against the property
12 whatsoever, which shall be verified by an oath in writing.

13 (b) Thereupon it is the duty of the Board to notify personally or by certified or
14 registered mail, return receipt requested, all persons having any interest [whatever]
15 in the property, and in addition the Board shall give three weeks' notice of [its] THE
16 BOARD'S intention to purchase the property, in a newspaper or newspapers published
17 within the service area where the property is located; and each person having any
18 claim [whatever] against the property shall file [its, his, or her] THE PERSON'S claim
19 with the Board on or before the expiration date mentioned in the notice at which time
20 any and all persons shall be heard.

21 (c) Any municipality whose system or any portion [thereof] OF THE SYSTEM
22 is acquired by the County by purchase may use the amount paid to [it] THE
23 MUNICIPALITY for the system for the purchase or redemption of any bonds or debt
24 which may be outstanding against the [same] MUNICIPALITY; or the County, as part
25 of the purchase price of the system, may assume the payment of any such bond or
26 debt. The County may purchase any existing water, sewerage or drainage systems, in
27 whole or in part, which are necessary or desirable for the purpose of carrying out the
28 powers vested in it by this [subtitle] TITLE.

29 SUBTITLE 3. CONTRACTS; PERMITS; CONNECTIONS; BIDS.

30 [15-7.] 14-301. Contracts for systems.

31 The County has full power and authority to enter into any contract for the
32 connection of its water supply, sewerage, or drainage systems, with those of any
33 municipality or adjoining county, or any other governmental agency, for the purchase
34 of water and for the disposal of sewage or drainage, and to enter into any other
35 agreement concerning any matter deemed by the Board to be necessary, advisable, or
36 expedient for the proper construction, maintenance, and operation of the water,
37 sewerage, or drainage systems under its control, or those under the control of any
38 municipality or county or other governmental agency. The County is further
39 empowered to enter into contracts with any municipality for the joint acquisition,
40 construction, ownership, and operation of any water, sewerage, or drainage system or
41 any portion thereof.

1 [15-8.] 14-302. Permits for work; fire hydrants.

2 (a) Before any plumbing, water works, or sewer construction is done in any
3 building or upon any private property within Carroll County, the person, firm, or
4 corporation doing the construction shall first obtain a permit from the Board and pay
5 [therefor such] TO THE BOARD A reasonable sum as the Board may prescribe. The
6 work shall be done under and pursuant to [such] THE rules, regulations, and
7 requirements as the Board may from time to time formulate, and subject to such
8 inspection as it may deem necessary; provided that, to avoid duplication of
9 supervision, the Board may waive this provision if the Department of Health and
10 Mental Hygiene issues the permits and makes the inspections required by this
11 subsection in a manner satisfactory to the Board.

12 (b) The County shall have full and complete jurisdiction over all fire hydrants
13 connected with its water system; and no person, firm or corporation may operate, use,
14 or make connection with the system without the written authority of the Board,
15 except that no restriction shall apply to any bona fide fire department in the
16 discharge of its duties. No person, firm, or corporation may tamper with, deface,
17 damage, or obstruct any fire hydrant. A violation of any of the provisions of this
18 section is a misdemeanor, punishable under [Section 15-24] § 14-801 of this
19 [subtitle] TITLE.

20 (c) Nothing in this section is applicable within any municipality or to any
21 water and sewerage system operated by a municipality unless authorized in
22 accordance with [Section 15-3] § 14-106 of this [subtitle] TITLE.

23 [15-9.] 14-303. Connections; conditions, procedure.

24 The County shall provide for each and every property abutting upon a street or
25 right-of-way in which a water main or sewer is laid, when service to [such] THE
26 property is feasible, a water service pipe and sewer connection, which shall be
27 extended as required from the water and sewer mains to the property line of the
28 abutting lot. The water service pipe and the connection with the sewer shall be
29 constructed by and at the expense of the County, subject to any charge for connection
30 as provided in [Section 15-21] § 14-704 of this [subtitle] TITLE, which charge shall be
31 paid by all property owners at the office of the Board. When any water main or sewer
32 is declared by the Board to be complete and ready for the delivery of water or the
33 reception of sewage, every abutting property owner, after due notice, shall make a
34 connection of all spigots or hydrants, toilets and waste drains with the water main or
35 sewer within the time prescribed by the Board. If these fixtures do not exist or are of
36 a nature which, in the judgment of the Board, is improper or inadequate, satisfactory
37 equipment shall be installed by the owner on the premises consisting of at least one
38 water closet and one sink or washbasin, both of which shall be properly connected
39 with the sewer of the County. No private water or sewerage system shall be connected
40 to any water or sewerage system owned or operated by the County. All private water
41 systems discharging waste water into the County sewerage system, and cesspools,
42 sink drains, and privies located on properties connected to sewers provided by the
43 County shall be abandoned, closed, and left in a sanitary condition so that no odor or
44 nuisance will arise therefrom. No roof or other drainage facilities shall discharge to

1 the County's water and sewerage facilities. Any violation of the provisions of this
2 section is a misdemeanor punishable under [Section 15-24] § 14-801 of this [subtitle]
3 TITLE.

4 [15-13.] 14-304. Bid and contracts for work done.

5 Whenever the plans and specifications for water, sewerage, or drainage systems
6 or extensions [thereof] shall have been completed and the Board has decided to
7 proceed with construction, [it] THE BOARD shall, when required by this [subtitle]
8 TITLE, by notice in one newspaper published in Carroll County and [such]
9 newspapers and technical press as it may deem proper, advertise for bids for the
10 construction of the system or systems, in part or as a whole, as in its judgment may
11 appear advisable. The contract shall be let to the lowest responsible bidder, or the
12 Board may reject any or all bids; and, if in its discretion the prices quoted are
13 unreasonable or unbalanced, [it] THE BOARD may readvertise the work or any part of
14 [it] THE WORK or may do any part or all of the work by day labor; provided that any
15 time the Board, in its discretion, may expend by day labor for construction and for
16 supplies and equipment an amount not exceeding [five thousand dollars (\$5,000.00)]
17 \$5,000 without advertising and receiving bids. All such contracts shall be protected by
18 [such] bonds, penalties, and conditions as the Board may require, all of which shall
19 be enforced in any court having jurisdiction.

20 [15-14.] 14-305. Work on private systems; restrictions.

21 No sewerage, water, or drainage system or extension [thereof] serving two or
22 more properties in Carroll County may be constructed by any private owner without
23 the prior approval of the Board. If upon application for the construction or extension
24 of any such system the Board determines that the construction or extension is
25 inexpedient or impracticable at that time, owing to the remoteness from its general
26 system or other considerations, the applicant may build and operate the system or
27 extension thereof at its own expense; but it shall be constructed only under such plans
28 and specifications as have been submitted to and approved by the Board, and its
29 maintenance and operation shall be under the general control or supervision of the
30 Board. No [such] system or part [thereof] OF THE SYSTEM or no water main, sewer,
31 storm water drain, water purification or sewage treatment plan or no connection with
32 any of them shall be constructed or installed except as in this section provided, and
33 any violation of this provision shall be a misdemeanor punishable under [Section
34 15-24 of this subtitle] § 14-801 OF THIS TITLE. The applicant for the construction or
35 extension of any such privately-owned system shall bear the reasonable costs that
36 the Board may incur for the review and approval of any [such] plans and for the
37 supervision by the Board of the maintenance and operation of [such] THE system. All
38 construction and operating records including cost records shall be filed with the
39 Board, which shall be empowered at any time to take over [said] THE system or part
40 [thereof] OF THE SYSTEM or [said] THE water main, sewer, storm water drain, water
41 purification or sewage treatment plant or connection with any of them in the same
42 manner as provided under [Section 15-5] § 14-201 OF THIS TITLE. Nothing in this
43 section impairs the rate making powers of the Public Service Commission nor
44 eliminates the requirements of the law for the approval of the Department of Health
45 and Mental Hygiene in the construction and maintenance of the facilities. No private

1 sewerage, water or drainage systems or extensions [thereof] OF THE SYSTEMS
2 authorized by this section shall be approved if the construction and operation of
3 [such] THE system or systems will cause water pollution endangering the water
4 supply of any municipality or other public agency or private utility corporation
5 supplying water and sewer services in Carroll County. If a private system approved
6 under the authority [hereof] OF THIS TITLE causes [such] pollution, then the County
7 is authorized to require [such] modifications as may be necessary to eliminate
8 [such] THE pollution and to take [such] other legal steps as may be necessary to
9 enforce its orders eliminating the nuisance of water pollution.

10 SUBTITLE 4. INSPECTIONS.

11 [15-10.] 14-401. Employees right of entry.

12 Any employee or agent of the County has the right of entry, at all reasonable
13 hours, upon any private premises and into any building in the service area while in
14 pursuit of his official duties, after reasonable notice and upon reasonable notice and
15 first presenting proper credentials from the Board. The Board or the County's agent
16 or employees may order and require [such] changes in plumbing, water usage,
17 drainage or water or sewer connections as it deems necessary to eliminate leakage,
18 loss of water, unnecessary or improper use of sewers. The Board shall exercise control
19 of the water supply at all times and in case of shortage of water or, for any other
20 reason, the Board, in the exercise of its discretion, may determine that the water
21 supply should be conserved. The consumers, upon notice from the County, its agents
22 or employees, or upon notice published in one newspaper published in Carroll County
23 for one insertion, shall comply with any order passed by the Board to conserve the
24 water supply. In addition to any other penalty [herein] prescribed IN THIS TITLE, the
25 County may turn off the water supply of any person violating [such an] THE order at
26 any time without further notice. Any unreasonable restraint or hindrance offered by
27 any owner, tenant, or agent or any other person, to the right of entry in this section
28 provided or any violation of any order issued [pursuant to] UNDER this section is a
29 misdemeanor punishable under [Section 15-24] § 14-801 of this [subtitle] TITLE.
30 Nothing in this section is applicable within any municipality or to any water and
31 sewerage system operated by a municipality unless authorized [in accordance with
32 Section 15-3] UNDER § 14-106 of this [subtitle] TITLE.

33 [15-11.] 14-402. Entry upon public way.

34 The Board may enter upon and excavate any State or county street, road, or
35 way, or any other public highway within the service area, for the purpose of installing,
36 maintaining, and operating the water, sewerage, or drainage systems provided for
37 under this [subtitle] TITLE[; and it]. THE BOARD may construct in any [such] street,
38 road, way, or public highway, a water main, sewer, or drain or any appurtenances
39 [thereof], without the receipt of a permit or the payment of a charge; provided that
40 whenever any State or county highway within the service area is to be disturbed the
41 public authority having control [thereof] shall be duly notified; and provided further,
42 that the highway shall be repaired and left by the Board in the same condition or in
43 a condition not inferior to that existing before it was torn up, and that all
44 INCIDENTAL costs [incident thereto] shall be borne by the County.

1 SUBTITLE 5. OBSTRUCTIONS.

2 [15-12.] 14-501. Obstructions to systems.

3 All individuals, firms, or corporations having buildings, conduits, pipes, tracks,
4 poles, or other structures or obstructions in, on, over, or through any public road,
5 street, or way, which blocks or impedes the construction and establishment of the
6 County's water, sewerage, or drainage systems, or other works, upon reasonable
7 notice from the Board, shall promptly [so] shift, adjust, accommodate, or remove
8 structures or obstructions as fully to meet the exigencies occasioning [such] action;
9 provided, however, that the reasonable cost of [such] THE charges shall be borne by
10 the County. Every public service corporation, company, or individual before it or they
11 shall begin any excavation or construction in any street, road, way, or public highway
12 shall file with the Board plans of [such] THE work and construction showing the
13 location and depth in [such] THE street, road, way, or public highway of the proposed
14 main, conduit, pole, pipe, or other structure, and [such] THE construction or work
15 shall not [be begun] BEGIN until the plan is approved by the Board, nor shall any
16 change be made in the approved plan or in the work or construction as shown by the
17 plan, except on further approval of the Board. Whenever any main, conduit, pole,
18 pipe, or other structure is installed without the filing of plans with the Board and the
19 approval [thereof] by it, or when any change is made in the location of the main,
20 conduit, pipe, pole, or other structure as shown upon the plans approved by the
21 Board, or any approved change [therein], the Board, if and when such conduit, main,
22 pipe, or pole, or other structure interferes with the construction of or operation of the
23 water, sewerage or drainage system, or other works, may remove the conduit, main,
24 pipe, pole, or other structures or change the location [thereof] at the cost and expense
25 of the party so putting them in, or their heirs, assigns, or successors, and without any
26 liability upon the part of the County for damage that might be done to the [same]
27 CONDUIT, MAIN, PIPE, POLE, OR OTHER STRUCTURES by reason of the Board's
28 operation in constructing or maintaining the system or works. Any violation of the
29 provisions of this section is a misdemeanor punishable under [Section 15-24] §
30 14-801 of this [subtitle] TITLE.

31 SUBTITLE 6. LOANS; BONDS.

32 [15-15.] 14-601. Loans for work on facilities.

33 (a) For the purpose of assisting in the engineering and the construction of
34 needed water, sewerage and drainage systems, the Board may make general fund
35 appropriations or borrow funds for this purpose, upon any terms and conditions as
36 they deem right and proper.

37 (b) Any enterprise fund as that term is used in accounting, created for the
38 purpose of complying with this title, shall reimburse the County's General Fund for
39 any expense attributable to work performed by the County out of its General Fund.
40 Each year, the Board may determine a reasonable amount, by estimate, to satisfy the
41 requirements of this section, which may be paid to the County from the Enterprise
42 Fund by appropriation or any other lawful method.

1 (c) If no payment is made under the provisions of this section, then the
2 amount established under subsection (b) of this section shall act as an appropriation
3 under subsection (a) of this section.

4 [15-16.] 14-602. Sale of bonds; use of proceeds; payment.

5 (a) For the purpose of providing funds for the design, construction,
6 establishment, purchase, or condemnation of water, sewerage and drainage systems
7 in Carroll County pursuant to this [subtitle] TITLE, the County is [hereby]
8 authorized and empowered to borrow money, from time to time, and to evidence
9 [such] THE borrowing by the issuance of bonds, which shall constitute a pledge of the
10 full faith and credit and unlimited taxing power of the County. The authority
11 [hereby] conferred UNDER THIS SECTION is subject to the limitation that the County
12 shall issue no amount of bonds pursuant to this section if, by the issuance [thereof],
13 the total unpaid bonded indebtedness under this section, less the amount of any
14 sinking funds or reserves for payment of bonds previously issued, shall exceed fifteen
15 [percentum] PERCENT of the total assessed valuation of all property in Carroll
16 County subject to unlimited County taxation during the fiscal year of the County
17 most recently concluded. The bonds of each issue shall be dated, shall bear interest at
18 [such] THE rate or rates, shall mature at [such] THE time or times not exceeding
19 forty years from their date or dates, as may be determined by the County, and may be
20 made redeemable before maturity, at the option of the Board, at [such] THE price or
21 prices and under [such] THE terms and conditions as may be fixed by the Board
22 [prior to] BEFORE the issuance of the bonds. The Board shall determine the form of
23 the bonds, including any interest coupons to be attached [thereto], and the manner of
24 execution of the bonds, and shall fix the denomination or denominations of the bonds
25 and the place or places of payment of principal and interest, which may be at any
26 bank or trust company. In case any officer whose signature or a facsimile of whose
27 signature shall appear on any bonds or coupons shall cease to be [such] AN officer
28 before the delivery of [such] THE bonds or shall become [such] AN OFFICER after the
29 date of issue [thereof], [such] THE signature or [such] facsimile shall nevertheless
30 be valid and sufficient for all purposes the same as if [he] THE OFFICER had
31 remained in office until [such] THE delivery or had held [said] office on [said] date
32 of issue. All bonds issued under the provisions of this [subtitle] TITLE shall have and
33 are [hereby] declared to have, as between successive holders, all the qualities and
34 incidents of negotiable instruments under the negotiable instruments law of the State
35 of Maryland. The bonds may be issued in coupon or in registered form, or both, as the
36 Board may determine, and provision may be made for the registration of any coupon
37 bonds as to principal alone; also as to both principal and interest, and for the
38 reconversion into coupon bonds of any bonds registered as to both principal and
39 interest. The issuance of [such] THE bonds shall not be subject to any limitations or
40 conditions contained in any other law and the County may sell [such] THE bonds in
41 [such] A manner, either at public or private sale, and for [such] A price, as it may
42 determine to be for the best interests of the County. [Said] THE bonds shall be issued
43 under the signature and seal of the County. [Such] THE bonds shall be signed by the
44 chief executive officer of the County, with the seal of the County affixed [thereto]
45 AND attested by the signature of either the Administrative Assistant or the Clerk to
46 the County. At any time [prior to] BEFORE the issuance of any [such] bonds the
47 Board may, in addition to any sums appropriated under any other provision of law,

1 advance [such] THE sums as may be necessary to cover the expense of issuance of
2 [such] THE bonds, which shall be treated and repaid as part of the costs of the project
3 or projects financed with the proceeds of [any such] THE bonds.

4 (b) The proceeds of [such] THE bonds shall be used solely for the payment of
5 the cost of the project or projects on account of which [such] THE bonds are issued
6 and shall be disbursed in [such] A manner and under [such] THE restrictions, if any,
7 as the Board may provide in the authorizing resolution. If the proceeds of [such] THE
8 bonds, by error of estimates or otherwise, shall be less than [such] THE cost,
9 additional bonds may in like manner be issued to provide the amount of [such] THE
10 deficit, and, unless otherwise provided in the authorizing resolution, shall be deemed
11 to be of the same issue and shall be entitled to payment from the same fund without
12 preference or priority of the bonds first issued for the same purpose. If the proceeds of
13 the bonds of any issue shall exceed the amount required for the purpose for which
14 [such] THE bonds shall have been issued, the Board may, by appropriate resolution,
15 apply [such] THE surplus to payment of the cost of an additional project or projects or
16 [such] THE surplus shall be used for the retirement of bonds of [such] THE issue, as
17 in the authorizing resolution provided. In every case where the proceeds of any
18 [such] issue of bonds shall be expended for the cost of one or more projects, the Board
19 shall cause separate capital accounts to be created for each [such] project, among
20 which [said] THE bond proceeds shall be divided and from which the separate costs of
21 each [such] project shall be paid. As soon as each [such] project is completed, the
22 special assessments or other charges imposed or made by the Board with respect
23 [thereto] TO THE PROJECT shall be calculated in [such] THE manner as to provide a
24 proportion of the annual debt service on [said] THE issue of bonds equal to the
25 proportion of the proceeds of [said] THE issue expended on [such] THE project. The
26 resolution authorizing any bonds issued pursuant to this [subtitle] TITLE to finance
27 a drainage system also shall identify the drainage area established pursuant to
28 [Section 15-4A] § 14-108 OF THIS TITLE in which any drainage system is to be built
29 and state the amount being borrowed for the drainage area.

30 (c) The County's full faith and credit and unlimited taxing power shall be
31 unconditionally pledged to the payment of the principal of and interest on any bonds
32 issued pursuant to this section. In the event that the funds available to the County
33 from all sources are insufficient to pay any bonds issued [hereunder] UNDER THIS
34 TITLE, together with the interest due [thereon], the Board, on behalf of the County,
35 in each and every fiscal year in which bonds are outstanding shall levy and collect ad
36 valorem taxes upon all the legally assessable property within the corporate limits of
37 Carroll County in rate and amount sufficient to provide for [such] THE payments
38 when due, together with accrued interest to the date of payment. In the event the
39 proceeds from the taxes so levied in any fiscal year are inadequate for the above
40 purposes, the Board, on behalf of the County, shall levy additional taxes in the
41 succeeding fiscal year to make up any deficiency.

42 (d) In addition to any other authorizations contained in this [subtitle] TITLE,
43 the Board is empowered and directed to make payments to any municipality
44 operating its own water, sewerage or drainage systems in an amount equal to the
45 amount of ad valorem taxes levied and collected within such municipality under other
46 provisions of this [subtitle] TITLE, provided that [such] THE payments shall be used

1 solely for the construction or maintenance of water, sewerage or drainage systems
2 within [such] THE municipality. The Board is [hereby] authorized to impose
3 additional ad valorem taxes to provide for [such] THE payments but the imposition of
4 [such] THE taxes shall be discretionary with the Board and shall be in addition to
5 any other taxes or charges levied or imposed under this [subtitle] TITLE. Nothing
6 contained herein shall be construed as impairing the unconditional pledge of the
7 County's full faith and credit and unlimited taxing power to the payment of the
8 principal of and interest on bonds issued under this [subtitle] TITLE; all taxes levied
9 and collected for the purpose of paying [such] THE principal and interest shall be
10 kept separate and apart from any other revenues and receipts of the County and shall
11 be used solely and only for the purpose for which they were levied.

12 [15-17.] 14-603. Revenue bonds.

13 For the purpose of providing funds for the design, construction, establishment,
14 purchase, or condemnation of water, sewerage and drainage systems in Carroll
15 County pursuant to this [subtitle] TITLE, the County is [hereby] authorized and
16 empowered, in addition to the authority and power conferred by [Section 15-16] §
17 14-602 of this subtitle, to borrow money in [such] THE amounts as may be needed for
18 [said] THE purpose and to evidence [such] THE borrowing by the issuance and sale
19 of its negotiable revenue bonds, payable as to principal and interest solely from the
20 proceeds of special benefit assessments and other charges imposed and made by the
21 County on the project or projects so financed with the proceeds of bonds, which
22 revenues the County is [hereby] authorized to pledge to [such] THE payment. The
23 Board is [hereby] authorized and empowered to fix and determine the form and tenor
24 of revenue bonds, the denominations [thereof], the rate or rates of interest payable
25 [thereon], the place or places of payment [thereof], and the method of sale [thereof],
26 all as provided in [Section 15-16] § 14-602 of this subtitle, except that the amount of
27 [such] THE revenue bonds which may be issued by the County shall be limited only
28 by the cost of the project or projects to be financed [thereby] WITH THE BONDS and
29 [such] THE revenue bonds shall not constitute an obligation of the faith and credit of
30 the County, but, on the contrary, shall recite that the principal and interest [thereof]
31 OF THE BONDS are payable solely from the revenues prescribed [therein] FROM THE
32 BONDS or in the resolution or trust indenture authorizing the same. The Board is
33 [hereby] authorized and empowered, in its discretion, to secure any revenue bonds
34 issued [hereunder] UNDER THIS TITLE by an appropriate trust indenture by and
35 between the County and a corporate trustee, which may be any trust company, or
36 bank having trust powers, within or outside the State. Every [such] trust indenture,
37 and revenue bonds secured thereby, shall clearly recite that [such] THE bonds are
38 obligations of the County, payable solely from the revenues therein prescribed, and do
39 not constitute general obligations of the County or of the State of Maryland and that
40 the faith and credit of the County and [its] THE COUNTY'S taxing power are not
41 pledged to the payment of the bonds. Any [such] trust indenture may contain
42 covenants on the part of the County, not contrary to law, deemed necessary or
43 appropriate by the Board for the proper security of the purchasers of any [such]
44 bonds, but the County shall enter into no covenant which shall permit [said] THE
45 trustee or bondholders in any manner to sell or otherwise divest the County of its title
46 to any project or projects financed with the proceeds of [any such] THE bonds,
47 without the prior written consent of the County. Subject to the foregoing limitation,

1 any [such] trust indenture may contain covenants for the protection of bondholders,
2 relating to all or any of the following: (1) the nature, extent and procedure for
3 acquiring or constructing any project or projects and the supervision [thereof] OF
4 THE PROJECT OR PROJECTS; (2) the maintenance and operation of any [such] project
5 or projects, and the supervision [thereof] OF THE PROJECT OR PROJECTS, the
6 employment of consulting engineers, auditors, attorneys and other experts in
7 connection with any [such] acquisition, construction, maintenance or operation; (3)
8 the terms and provisions of the bonds and the securing of the proceeds [thereof] OF
9 THE BONDS, the imposition and collection of assessments, charges and rentals for the
10 use of any [such] project or projects and the use, application and security of any
11 revenues so collected, including the establishment, deposit and securing from any
12 [such] revenues for debt service on, or prior redemption of, any [such] revenue
13 bonds, or for the maintenance, operation and improvement of any [such] project or
14 projects; (4) the insurance of any [such] project or projects; (5) the issuance of
15 additional revenue bonds for any [such] project or projects and the limitations
16 [thereon]; (6) the powers, duties and indemnification of any trustee, or its successor,
17 party to any [such] trust indenture; (7) the rights and remedies of [said] THE trustee
18 and of bondholders in the event of any default by the County under any [such] trust
19 indenture, which rights and remedies may include the taking over of any operation by
20 [said] THE trustee or by a receiver appointed by a court of competent jurisdiction of
21 the project or projects financed with the proceeds of any [such] issue or revenue
22 bonds secured by [such] THE trust indenture, and the [marshalling] MARSHALING of
23 the revenues from any [such] project or projects for the use and benefit of
24 bondholders. In addition to the covenants enumerated above but subject to the
25 limitations [herein] contained IN THIS TITLE, the County is [hereby] authorized and
26 empowered to make [such] further additional covenants in any [such] trust
27 indenture, of like or different character as, in its judgment, may be necessary,
28 convenient or desirable for the better security of any issue of its revenue bonds
29 secured by any [such] trust indenture or as will, in its judgment, tend to make any
30 [such] bonds more marketable.

31 [15-17A.] 14-604. Refunding bonds.

32 (a) The Board may provide for the issuance of the County's bonds under this
33 [subtitle] TITLE at any time or times for the purpose of refunding any bonds of (1) the
34 District, a body politic and corporate created by the County pursuant to the provisions
35 of [Sections 645 to 673, inclusive, of Article 43 of the Annotated Code of Maryland
36 (1957 Edition, as amended and supplemented from time to time)] TITLE 9 OF THE
37 ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; (2) the
38 Commission; and (3) the County, acting pursuant to this [subtitle] TITLE, which are
39 then outstanding, including the payment of any redemption premium [thereon] and
40 any interest accrued or to accrue to the earliest or any subsequent date of redemption,
41 purchase or maturity of the bonds. The authority of the Board to provide for the
42 issuance of the County's bonds under this section shall be deemed to be in addition to
43 any powers provided in Section 24 of Article 31 of the Annotated Code of Maryland.
44 Refunding bonds may be issued for any corporate purposes including, without
45 limitation, the public purposes of realizing savings in the effective costs of debt
46 service, directly or through a debt restructuring, or alleviating an impending or actual

1 default. Refunding bonds may be issued in an amount in excess of that of the bonds to
2 be refunded.

3 (b) For the purposes of determining whether refunding bonds issued under
4 this section are within the debt limitation specified in [Section 15-16] § 14-602 of this
5 subtitle, the amount of bonds or other obligations to be refunded shall be subtracted
6 from, and the amount of refunding bonds to be issued shall be added to, the aggregate
7 of the County's outstanding bonds under this [subtitle] TITLE.

8 [15-18.] 14-605. Temporary bonds.

9 Prior to the preparation of the definitive bonds authorized to be issued by
10 [Sections 15-16, 15-17 and 15-17A] §§ 14-602 THROUGH 14-604 of this subtitle, the
11 County may, under like restrictions, issue interim receipts or temporary bonds, with
12 or without coupons, exchangeable for definitive bonds, when such definitive bonds
13 have been executed and are available for delivery. In addition, the County may, in
14 anticipation of the issuance of any [such] bonds, issue bond anticipation notes
15 pursuant to the authority of, and in the manner prescribed by, Section 12 of Article 31
16 of the Annotated Code of Maryland [(1957 Edition, as amended and supplemented
17 from time to time)]. With respect to [any such] THE bonds, coupons, temporary
18 bonds, receipts or bond anticipation notes, which have matured, been exchanged or
19 redeemed, the Board shall make arrangements for the mutilation and cremation of
20 [any such] THE instruments after an appropriate accounting [therefor]. The Board
21 may also provide for the replacement of [any such] THE instruments which shall
22 become mutilated or be destroyed or lost, upon receipt of [such] THE indemnification,
23 and the payment of the expenses of replacement as the Board, in its discretion, may
24 deem proper or requisite. Bonds may be issued under the provisions of this [subtitle]
25 TITLE without obtaining the approval or consent of any division, commission, board,
26 bureau or agency of the State of Maryland and without any other proceeding or the
27 happening of any other condition or thing than those proceedings, conditions or things
28 which are specifically required by this [subtitle] TITLE. In the event the Board shall
29 determine to sell any bonds of the County authorized by this [subtitle] TITLE at
30 public sale, it shall comply with the provisions of Section 10 of Article 31 of the
31 Annotated Code of Maryland [(1957 Edition, as amended and supplemented from
32 time to time)], but in all other respects the provisions of Sections 9 to 11, inclusive, of
33 [said] Article 31 OF THE ANNOTATED CODE OF MARYLAND shall not apply to bonds
34 issued under this [subtitle] TITLE. If the Board shall provide for the execution of any
35 [such] bonds in facsimile, it shall comply with the provisions of [Sections 13 to 18,
36 inclusive, of said Article] §§ 2-301 THROUGH 2-306 OF THE STATE FINANCE AND
37 PROCUREMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND. All bond
38 proceeds, as well as all money held in sinking or reserve funds in the name of the
39 County shall be invested by the Board in the manner prescribed by Section 22 of
40 Article 95 of the Annotated Code of Maryland [(1957 Edition, as amended and
41 supplemented from time to time)].

SUBTITLE 7. ASSESSMENTS; CHARGES.

1

2 [15-19.] 14-701. Tax exemptions.

3 The County shall not be required to pay any taxes or assessments upon any
4 project acquired, constructed or operated by it, under the provisions of this [subtitle]
5 TITLE, or [upon] ON the income [therefrom], and the bonds issued under the
6 provisions of this [subtitle] TITLE, their transfer and the income [therefrom]
7 (including any profit made on the sale [thereof] by any person other than the initial
8 purchaser [thereof]) shall at all times be free from taxation by the State of Maryland
9 or any of its political subdivisions, or by any town or incorporated municipality or any
10 other public agency within the State.

11 [15-20.] 14-702. Benefit assessments.

12 (a) For the purpose of paying the interest on and principal of the bonds issued
13 by the County as in this [subtitle] TITLE provided for the water and sewerage
14 systems to be constructed, purchased, or established under this [subtitle] TITLE, the
15 Board may fix an annual assessment on all properties, improved or unimproved,
16 binding upon a street, road, lane, alley, or right-of-way in which a water main or
17 sewer has been built. The annual assessment shall be made [upon] ON the front foot
18 basis, and the first payment shall be collected during the year in which the
19 construction is completed on the water supply or sewerage systems; or in which the
20 systems are purchased or acquired. All sums collected by the Board for benefits levied
21 against the property for water or sewerage construction shall be set aside as a
22 separate fund to be known and designated as the Front Foot Benefit Assessment
23 Fund.

24 (b) The Board for the purpose of assessing benefits shall divide all properties
25 binding upon a street, road, lane, alley, or right-of-way, in which a water pipe or
26 sanitary sewer is to be laid, into four classes, namely: agricultural, small acreage,
27 industrial or business, and residential, and the Board may subdivide each of these
28 classes in [such] THE manner as it deems to be in the public interest. Whenever any
29 water or sewerage project in the service area has been completed and declared ready
30 for service, the Board shall fix and levy an assessment for the remainder of the fiscal
31 year on a pro rata basis upon all property in the service area abutting upon the water
32 main or sewer, in accordance with the classification or subdivision [thereof]; and it
33 shall in writing notify all owners of [said] THE properties into which class and
34 subdivision their respective properties fall and the charge determined [upon] ON,
35 naming also in the notice a time and place, when and at which time the owner will be
36 heard. [Such] THE notice may be mailed to the last known address of the owner, or
37 served in person upon any adult occupying the premises or in case of a vacant or
38 unimproved property posted upon the premises.

39 (c) The classification of and the benefit assessment made against any
40 property by the Board is final, subject only to revision at the hearing. The Board may
41 change the classification of properties from time to time as the properties change in
42 the uses to which they are put. The benefit assessment shall be levied for water
43 supply and sewerage construction, and shall be based for each class of property

1 [upon] ON the number of front feet abutting [upon] ON the street, lane, road, alley,
2 or right-of-way in which the water pipe or sewer is placed; provided, however, that in
3 the case of any irregular shaped lot abutting upon a road, street, lane, alley, or
4 right-of-way in which there is or is being constructed a water or sewerage system at
5 any point, the lot shall be assessed for [such] THE frontage as the Board may
6 determine to be reasonable and fair; and provided further that no residential property
7 may be assessed on more than one side unless it abuts upon two parallel streets, that
8 corner lots may be averaged and assessed upon [such] THE frontage as the Board
9 may deem reasonable and fair, and that all lots in the residential and industrial or
10 business classification shall be assessed even though a water main or sewer may not
11 extend along the full length of any boundary; and provided further, that no land
12 classified as agricultural by the Board shall be assessed a front foot benefit when it
13 has constructed through it or in front of it a sewer or water main until such time as
14 the water or sewer connection is made, and when so made and for every connection
15 [such] THE land is liable to a front foot assessment for [such] THE reasonable
16 frontage not exceeding three hundred (300) feet, or as may be determined by the
17 Board, and shall be immediately assessed at the rate of assessment determined by the
18 Board for agricultural land. Any land owned by a religious body [upon] ON which
19 there is erected a church or a parsonage and which is used exclusively for customary
20 religious purposes, in the discretion of the Board, may be exempted from front foot
21 benefit assessment for that frontage not exceeding 150 feet.

22 (d) Front foot benefit assessments for water and sewerage construction shall
23 be as nearly uniform as is practicable for each class or subclass of property for any one
24 year, and no benefit charge, once levied, may be increased; provided, however, that
25 whenever the County acquires an existing system other than a municipal system, the
26 construction of which has been added in whole or in part to the purchase price of land
27 or lots abutting upon the system and which contribution the Board has determined to
28 be a factor in the cost to the County of such system, the Board in its discretion may
29 levy [such] THE lesser assessment as may take into account this factor.

30 (e) The amount of the assessment per front foot for each class of property for
31 water and sewerage systems may be reduced from time to time by the Board in its
32 discretion, if cost and conditions are deemed by it to justify the reduction but may be
33 subsequently increased to the amount of original assessment in the event revenues
34 prove to be insufficient. The benefit assessments shall be paid annually by all
35 properties located as above specified for a period of years co-extensive with the period
36 of maturity of the bonds out of the proceeds of which [such] THE construction was
37 done.

38 (f) The Board may at any time permit a connection with a water main or
39 sewer by a property owner whose property does not abut on a water main or sewer
40 and who has not previously paid a benefit charge for the construction of [said] THE
41 water main or sewer, provided, the Board classifies the property and determines a
42 front foot assessment to be paid by the property owner as though the property
43 abutted [upon] ON a water main or sewer; and if the connection is made, the property
44 owner and the property as to all charges, rates and benefits stand in every respect in
45 the same position as if the property abutted [upon] ON a water main or sewer.

1 (g) The annual benefit assessment or other charge as above specified is a lien
2 [upon] ON the property against which it is assessed until paid, any statute of
3 limitations to the contrary notwithstanding, subject only to prior State and county
4 taxes. If any property is sold for State [and/or] OR county taxes, or both, by the
5 Director of Finance of the County, and if after sale there is a surplus after all costs
6 and expenses incident to [such] THE sale shall have been paid, the County, upon
7 proper petition to the Circuit Court shall be allowed any balance from the surplus,
8 and shall be a preferred lienor to the extent of its lien; and for the purpose of giving
9 notice to the general public as to existing liens and charges against any property
10 within Carroll County abutting [upon] ON any water or sewer main, or connected
11 [thereto] TO ANY WATER OR SEWER MAIN, the Board shall keep a public record of all
12 names of owners of property, locations of [said] property, lot numbers when of record,
13 and the amount of [such] THE benefit assessments, water service charges, or [such]
14 other charges, that may become liens from time to time. [Such] THE records shall be
15 kept in the office of the Board as a public record, and when so kept shall be legal
16 notice of all existing liens within Carroll County. The Board shall request the Director
17 of Finance of the County to print a notice on the State and county tax bills that
18 benefit assessments and other charges for water and sewer services must be paid in
19 the office of the Board or elsewhere as the Board may designate.

20 [15-20A.]14-703. Special assessments.

21 (a) For the purpose of providing for the payment of the principal of and the
22 interest on the bonds issued by the County under the terms and conditions of this
23 [subtitle] TITLE for the construction of drainage systems, there may be levied by the
24 Board, on behalf of the County, a special assessment to be known as a drainage area
25 assessment against all of the properties within the drainage area served by the
26 system, whether immediately or remotely, which the Board may determine to be
27 specifically [benefited] BENEFITTED by the system, based on the area or on the
28 assessed value of all of the property belonging to any owner within the drainage area
29 and so [benefited] BENEFITTED, which special assessment shall be uniform
30 throughout the area affected. This special assessment shall be made on either an area
31 basis or on an assessed valuation basis whichever is deemed more equitable and just
32 by the Board, and the selection made by the Board shall be final and conclusive. The
33 special assessment, if levied, shall be levied annually in an amount deemed equitable
34 and just (taking into account the benefit to the properties in the drainage area) by the
35 Board and shall be used to meet all or a part of the principal and interest
36 requirements of the bonds outstanding, the proceeds of which were used for the
37 construction, and related expenses, of the drainage system installed in the drainage
38 area. Before the special assessment as provided by this section of this subtitle is
39 levied, the Board shall mail to the owners of all properties within the drainage area or
40 part [thereof upon] OF THE DRAINAGE AREA ON which it proposes to levy a special
41 assessment, at the address of the owner as appears from the tax records of Carroll
42 County, notice that the special assessment is to be levied and giving the property
43 owners an opportunity to be heard [thereon] at a time and place fixed in the notice.
44 At the hearing, the Board may adjust the special assessment, maintaining however,
45 the uniformity of the base rate or percentage of levy.

1 (b) In any event, the Board shall levy annually, on behalf of the County, an ad
2 valorem tax [upon] ON all legally assessable property in a drainage area in a
3 sufficient amount, together with any drainage and assessments and any other funds
4 available for the purpose, to meet the principal and interest requirements, when due,
5 of any bonds outstanding, the proceeds of which were used for the construction, and
6 related expenses, of a drainage system installed in a drainage area.

7 [15-21.] 14-704. Connection charges.

8 For the purpose of carrying out the provisions of this [subtitle] TITLE, the
9 County may make a charge for every sewer and water connection. The funds derived
10 from [such] THE charges may be used for payment of principal and interest on bonds,
11 accumulating funds for capital improvements, for acquisition and construction of
12 water and sewerage systems and the operation and maintenance [thereof] OF WATER
13 AND SEWER SYSTEMS and for the purchase of equipment and supplies necessary to
14 the operation of the Board. Connection charges may be established from time to time
15 by the Board. [Such] THE CONNECTION charges may be based upon [such]
16 reasonable classifications as the Board may determine and [such] THE classifications
17 may vary within any water or sewerage system and among any [such] systems
18 depending on any special circumstances which the Board finds exists. The charges
19 [herein] provided IN THIS SECTION shall not be limited to the costs to the Board for
20 making [such] THE connections. The Board is empowered to determine the manner
21 in which [such] THE charges shall be payable.

22 [15-22.] 14-705. Charges authorized.

23 For the purpose of providing funds for maintaining, repairing and operating its
24 water and sewerage systems, and for its operation and other expenses, including
25 proper depreciation allowances, and for interest on and the retirements of bonds as
26 specified in this [subtitle] TITLE, the Board may make the following charges:

27 (1) A water and sewer service charge. The rates for water and sewer
28 service shall consist of a minimum or ready-to-serve charge which shall be based
29 [upon] ON the size of the meter on the water connection leading to the property, and
30 of a charge for water used, which shall be based [upon] ON the amount of water
31 passing through the meter during the period between the last two readings. The
32 meter shall be required to be placed on each water connection by and at the sole
33 expense of the County and it shall remain the property of the County. [Such] THE
34 rates shall be classified within Carroll County in [such] a manner as the Board
35 deems advisable; provided, however, that [such] A classification shall be based upon
36 the quantities of water used and may be, insofar as possible, uniform throughout each
37 system in Carroll County. If the Board at any time shall not have meters available to
38 install in all the properties in a given locality that are connected to the system, then
39 a flat rate shall be charged on properties in which meters have not yet been installed,
40 which rate shall be uniform in each system and based upon the ready-to-serve
41 charge and the amount of water used. Bills for water and sewer charges shall be sent
42 quarterly or semi-annually as the Board may determine to each property served and
43 shall be payable at the office of the Board or [such] other place as the Board may
44 designate. [Such] THE charges shall be a lien upon the property served and

1 collectible as elsewhere [herein] provided IN THIS SECTION. If any bill remains
2 unpaid after thirty (30) days from date of sending, the Board, after written notice left
3 [upon] ON the premises or mailed to the last known address of the owner, shall turn
4 off the water from the property in question; and the water shall not be turned on
5 again until bill has been paid, including a penalty of ten dollars [(\$10.00)].

6 (2) A charge for the upkeep of water and sewerage systems against all
7 properties having a connection with any water main or sewer under its operation or
8 ownership. The charge for the upkeep of the water and sewerage system, if any, shall
9 be made [upon] ON such reasonable basis as the Board may determine and shall be
10 collected annually in the same manner as are front foot benefit assessments against
11 all property having a connection within a water main or sewer under the operation or
12 ownership of the County and shall be a lien against [such] THE property. [Such] THE
13 charges shall be based [upon such] ON THE classifications as the Board from time to
14 time may establish and shall be uniform throughout each system within each [such]
15 classification; provided, however, that no charge for the upkeep of water and
16 sewerage systems shall be made against any property in any year for which [such]
17 property is currently subject to a front foot benefit assessment as elsewhere in this
18 [subtitle] TITLE provided.

19 [15-23.] 14-706. Enforcement of assessments.

20 Front foot benefit assessments, drainage and assessments, water and sewer
21 system upkeep charges, connection charges, and other charges which the Board is
22 empowered to make shall be liens [upon] ON the property served or benefitted and,
23 in addition to being enforced by actions at law, may be enforced by a bill in equity
24 against the property so served or [benefitted] BENEFITTED. In addition to being
25 enforced by actions at law and a bill in equity, the County Tax Collector, if directed by
26 the Board, shall sell the property of the delinquent property owner in the same
27 manner as other properties are sold at tax sale. The liens shall be subject only to liens
28 for State and county taxes. [Such] THE charges shall be due when made and after
29 ninety (90) days from that date shall bear interest at the rate of one-half [per
30 centum] PERCENT (½%) per month. Neither the due dates nor the interval between
31 such dates need be uniform throughout Carroll County.

32 SUBTITLE 8. PENALTIES.

33 [15-24.] 14-801. Penalty provisions.

34 Every act or omission designated as a misdemeanor in this [subtitle] TITLE
35 unless otherwise provided, shall be punishable by any District Court, and the offender
36 upon conviction, is subject to a fine not exceeding [\$100.00] \$100 or to confinement in
37 the county jail for not more than 30 days, or both, in the discretion of the District
38 Court. If the act or omission is of a continuing nature and is persisted in, in violation
39 of the provisions of this [subtitle] TITLE or of any rule or regulation formulated
40 thereunder, a conviction for one offense shall not be a bar to the conviction for
41 continuation of [such] THE offense subsequent to the first or any succeeding
42 conviction.

SUBTITLE 9. EFFECT OF TITLE.

2 [15-27.] 14-901. Effect of [Subtitle] TITLE.

3 (a) All Acts and parts of Acts inconsistent with the provisions of this [subtitle]
4 TITLE are repealed to the extent of their inconsistency, providing that nothing herein
5 contained shall be taken as restricting any control which the State Department of
6 Health and Mental Hygiene and the State Department of Water Resources are
7 empowered to exercise within Carroll County.

8 (b) The provisions of this [subtitle] TITLE are severable, and it is the
9 intention to confer the whole or any part of the powers herein provided for, and if any
10 of the provisions of this [subtitle] TITLE shall be held unconstitutional by any court of
11 competent jurisdiction, the decision of [such] THE court shall not affect or impair any
12 of the remaining provisions of this [subtitle] TITLE. It is [hereby] declared to be the
13 legislative intent that this [subtitle] TITLE would have been adopted had such
14 unconstitutional provision not been included [therein].

15 SECTION 3. AND BE IT FURTHER ENACTED, That the catchlines contained
16 in this Act are not law and may not be considered to have been enacted as part of this
17 Act.

18 SECTION 4. AND BE IT FURTHER ENACTED, That Section 6-1 through
19 6-106, inclusive, and the subtitle "16. Hampstead"; 8-1 through 8-100, inclusive, and
20 the subtitle "8. Manchester"; 9-1 through 9-112, inclusive, and the subtitle "9. Mount
21 Airy"; 10-1 through 11-103, inclusive, and the subtitle "11. New Windsor"; 18-1
22 through 18-98, inclusive, and the subtitle "18. Sykesville"; 19-1 through 19-98,
23 inclusive, and the subtitle "19. Taneytown"; 20-1 through 20-99, inclusive, and the
24 subtitle "20. Union Bridge"; and 21-1 through 21-63, inclusive, and the subtitle "21.
25 Westminster" are repealed for the sole purposes of removing them from the Carroll
26 County Code of Public Local Laws. Nothing in this Act may be construed to affect the
27 provisions of a charter or power or duty of any municipal corporation in Carroll
28 County.

29 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2000.