

# HOUSE BILL 756

L2

71r1587

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By: **Delegate Beitzel**

Introduced and read first time: February 9, 2007

Assigned to: Environmental Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2007

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

1 AN ACT concerning

2 **Garrett County – Public Local Laws – Obsolete Provisions – Repeal**

3 FOR the purpose of repealing certain obsolete provisions of the Public Local Laws of  
4 Garrett County relating to auctions, hogs, marriage ceremonies, motion picture  
5 exhibitions, emergency ambulance services, and snowmobiles; and generally  
6 relating to the repeal of certain obsolete provisions of the Public Local Laws of  
7 Garrett County.

8 BY repealing

9 The Public Local Laws of Garrett County  
10 Section 8–1 through 8–4 and the chapter “Chapter 8 Auctions”; 50–1 through  
11 50–3 and the chapter “Chapter 50 Hogs”; 68–1 and the chapter “Chapter  
12 68 Marriage Ceremony”; 102–1 and the chapter “Chapter 102 Sunday  
13 Observance”; 143–1 and the chapter “Chapter 143 Emergency Ambulance  
14 Services”; and 248–15 and the article “ARTICLE IV Snowmobiles”  
15 Article 12 – Public Local Laws of Maryland  
16 (1985 Edition and October 2001 Supplement, as amended)

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

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

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



**Article 12 – Garrett County**

[Chapter 8]

[Auctions]

[8–1.

A. No person shall sell at auction any goods, wares or merchandise of any kind or description whatever within the limits of Garrett County unless he shall first pay to the Clerk of the Circuit Court for said county the sum of sixty dollars(\$60.) per year for such privilege, to be applied to the use of the state and paid into the treasury, and no such license shall be issued for a shorter period than one (1) month.

B. The provisions of Subsection A of this chapter shall apply only to such persons as shall bring goods, wares and merchandise into said county to sell at auction within its limits and to such persons as shall sell at auction goods, wares or merchandise sent into the county for the express purpose of being sold at auction therein.

C. Any person who shall so sell at auction within the limits of the county without having previously paid for such license shall be liable to a penalty of one hundred dollars (\$100.) upon conviction thereof in any court of law.]

[8–2.

The Clerk of the Circuit Court shall be entitled to the same fees and commissions for issuing the license and paying into the treasury the money therefor as for other licenses under the laws of this state.]

[8–3.

A. Any person, firm or corporation which shall hold or conduct regular weekly or monthly public auctions in Garrett County for the purpose of holding or offering for sale any livestock, farm products or other items of personal property shall furnish a bond with cash or corporate surety as provided by this section. Such bond shall be in an amount which is not less than ninety percent (90%) of the average weekly total sales by such person, firm or corporation at such auctions in the previous year, the exact amount of which shall be approved in each instance by the Board of County Commissioners after studying a financial report submitted to the County Commissioners by the operating auction after the completion of each year of business. Any person, firm or corporation which did not conduct regular auctions during the

1 previous year shall furnish a bond in the amount of two thousand dollars (\$2,000.);  
2 provided, however, that any person, firm or corporation which desires to conduct a  
3 livestock auction and which did not conduct regular livestock auctions during the  
4 previous year shall furnish a bond in the amount of fifteen thousand dollars (\$15,000.).  
5 The bond shall be made payable to the County Commissioners of Garrett County,  
6 conditioned upon saving harmless any consignors who shall send any such goods for  
7 sale at the auction from any failure or delay of more than three (3) days, or if the  
8 payment is made by check, said check's being postmarked not later than three (3) days  
9 from the date of sale, in making payment in full for any goods sold at the auction.

10 B. Nothing in this section shall be construed to apply to or affect any private  
11 sale of such goods.

12 C. Any person, firm or corporation violating the provisions of this section  
13 shall, upon conviction thereof, be subject to a fine of not less than five hundred dollars  
14 (\$500.) or shall be subject to imprisonment for not exceeding one (1) year or, in the  
15 discretion of the court, to both such fine and imprisonment.]

16 [8-4.

17 No vendor coming into Garrett County by truck from some other county or state  
18 shall sell, auction or otherwise offer for sale any goods, wares or merchandise until he  
19 shall have first purchased a special license for that purpose; provided, however, that  
20 this section shall not apply to farmers or growers selling their own vegetables or other  
21 perishable farm produce or products from a truck or otherwise. It shall be the duty of  
22 the Clerk of the Circuit Court of said county to issue itinerant peddler licenses to such  
23 persons as may apply for same. Each applicant for such license shall pay two hundred  
24 fifty dollars (\$250.) per year, and no license shall be issued by said Clerk until the  
25 aforesaid license fee has been paid.]

26 [Chapter 50]

27 [Hogs]

28 [50-1.

29 It shall not be lawful for any hog to run at large in Garrett County. Any hog  
30 found upon the public highway or unenclosed lands or trespassing upon enclosed lands  
31 may be taken up and impounded by the owner or occupant or occupants of any  
32 enclosure in Garrett County and said owner or occupant may impound any hog so  
33 found and, if the owner is known, shall immediately notify the owner of the hog so

1 impounded, who may claim and remove said hog by paying one dollar (\$1.) for each  
2 hog so impounded and, in addition, shall pay for feeding of the hog so impounded.]

3 [50-2.

4 If the owner of the hog so impounded is not known to the person who has  
5 impounded said hog, he shall cause a notice to be inserted in some newspaper  
6 published in the county containing a description of the hog so impounded, and if at the  
7 end of one (1) week from the time the notice was so published the owner has not  
8 claimed and removed said hog, the person who has impounded the hog shall cause a  
9 second notice to be inserted in some newspaper published in the county, giving ten  
10 (10) days' notice and stating the time and place where the hog or hogs are to be sold, at  
11 which time if the hogs are not claimed and removed by the owner and all charges paid,  
12 including penalty, advertising and feeding, said hog or hogs so impounded shall be  
13 sold at public sale to the highest bidder, and if the hogs are sold at public sale, a full  
14 account of all expenses and moneys paid out as well as all moneys received for the  
15 hogs so sold, shall be filed with the County Commissioners, and any money remaining  
16 over and above the amount required to pay all expenses as above mentioned shall be  
17 turned over to the County Commissioners, who may return it to the owner of said  
18 hogs, provided that he makes claim and produces satisfactory proof that he is the  
19 owner of the hog or hogs so sold.]

20 [50-3.

21 Nothing in this chapter shall be construed so as to interfere with hogs turned  
22 out and herded so long as they do not come within twenty (20) rods of any enclosure.]

23 [Chapter 68]

24 [Marriage Ceremony]

25 [68-1.

26 A. It shall be unlawful for any minister of the gospel or other person in  
27 Garrett County who, under the laws of the State of Maryland, is now or may hereafter  
28 be authorized to perform the marriage ceremony, to give, either directly or indirectly,  
29 or offer to give any money, present or reward to any hotel or railroad porter or to any  
30 other person or persons as an inducement to said hotel or railroad porter or other  
31 person or persons to bring, take or direct any person or persons contemplating  
32 matrimony to said minister of the gospel or other person so authorized to perform said  
33 rite or ceremony.

1           B. Any person or persons violating the provisions of this chapter shall be  
2 deemed guilty of a misdemeanor and, upon conviction thereof before any District  
3 Court in Garrett County or before the Circuit Court thereof, shall be fined not less  
4 than ten dollars (\$10.) nor more than fifty dollars (\$50.) and costs of prosecution and  
5 shall be committed to jail until said fine and costs are paid.]

6                                   [Chapter 102]

7                                   [Sunday Observance]

8 [102-1.

9           A. Notwithstanding any provision of any Public General or Public Local  
10 Law, it shall be lawful to show or exhibit motion pictures in Garrett County on  
11 Sundays after the hour of 2:00 p.m., with or without a charge or admission fee;  
12 provided, however, that such exhibitions shall be subject to all provisions of law  
13 relating to licensing and censorship applicable to motion-picture exhibitions on  
14 weekdays. The work or employment of any operator, ticket seller or other employee or  
15 attendant in connection with such exhibition shall not be unlawful because such  
16 employment is performed on Sunday.

17           B. Any such exhibition on Sunday except as hereby authorized shall be  
18 subject to the provisions and penalties of Article 27, §§ 492 and 522, of the Annotated  
19 Code of Maryland.]

20                                   [Chapter 143]

21                                   [Emergency Ambulance Services]

22 [143-1.

23           A. For any person or business supplying emergency ambulance service  
24 within Garrett County, such emergency to be certified by the State Police, Sheriff's  
25 Office or Medical Examiner or attending physician at the receiving hospital, said  
26 emergency service shall be paid by the County Commissioners in an amount designed  
27 to reasonably compensate said person or business for expenses, this amount to be paid  
28 after diligent effort has been made by said person or business to collect said charge for  
29 a period of sixty (60) days. Should this charge then be recovered at a later date, said  
30 person or business shall reimburse the County Commissioners for the amount  
31 advanced. Such claims shall be substantiated and submitted under affidavit.

1 B. An emergency shall be defined, for the pruposes of this chapter, to be  
2 violent personal injury sustained in vehicular accidents, boating or aircraft mishaps or  
3 injuries occurring as a result of a natural disaster, such as fire or flood. No other type  
4 of charges from said person or business shall be paid by the County Commissioners.]

5 [ARTICLE IV]

6 [Snowmobiles]

7 [248-15.

8 In order for the Maryland Forest and Park Service, Department of Natural  
9 Resources, to connect two (2) sections of the snowmobile trail on Meadow Mountain,  
10 the County Commissioners of Garrett County shall permit snowmobiles to use, from  
11 November 15 to April 1 of each year, county roads designated as follows:

12 A. From the intersection of Otto Lane and West Shale Road, one thousand  
13 eight hundred (1,800) linear feet of the West Shale Road lying immediately northerly  
14 of the intersection.

15 B. Two hundred (200) linear feet of Otto Lane lying immediately west of the  
16 intersection of Otto Lane and West Shale Road.]

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.