Article - Land Use

§1–101.

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

(b) "Adaptive reuse" means a change granted by a legislative body under § 4–207 of this article to the use restrictions in a zoning classification, as those restrictions are applied to a particular improved property.

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

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

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

(f) (1) "Development" means an activity that materially affects the existing condition or use of any land or structure.

(2) "Development" does not include a normal agricultural activity.

(g) (1) "Legislative body" means the elected body of a local jurisdiction.

(2) "Legislative body" includes:

(i) the board of county commissioners;

(ii) the county council; and

(iii) the governing body of a municipal corporation.

(h) (1) "Local executive" means the chief executive of a local jurisdiction.

(2) "Local executive" includes:

(i) the board of county commissioners;

(ii) the county executive;

(iii) the executive head; and

(iv) the mayor.

(i) "Local jurisdiction" means a county or municipal corporation and the territory within which its powers may be exercised.

(j) (1) "Local law" means an enactment of the legislative body of a local jurisdiction, whether by ordinance, resolution, or otherwise.

(2) "Local law" does not include a public local law.

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

(l) (1) "Plan" means the policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities documented in texts and maps that constitute the guide for an area's future development.

(2) "Plan" includes a general plan, master plan, comprehensive plan, functional plan, or community plan adopted in accordance with Subtitle 4 of this title and Title 3 of this article.

(m) "Priority funding area" has the meaning stated in § 5–7B–02 of the State Finance and Procurement Article.

(n) (1) "Regulation" means a rule of general applicability and future effect.

(2) "Regulation" includes a map or plan.

(o) "Sensitive area" includes:

(1) a stream or wetland, and its buffers;

(2) a 100–year flood plain;

(3) a habitat of a threatened or endangered species;

(4) a steep slope;

(5) agricultural or forest land intended for resource protection or conservation; and

(6) any other area in need of special protection, as determined in a plan.

(p) "Special exception" means a grant of a specific use that:

(1) would not be appropriate generally or without restriction; and

(2) shall be based on a finding that:

(i) the requirements of the zoning law governing the special exception on the subject property are satisfied; and

(ii) the use on the subject property is consistent with the plan and is compatible with the existing neighborhood.

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

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

(ii) the District of Columbia.

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

(r) (1) "Subdivision" means:

(i) the process and configuration of land by which one or more lots, tracts, or parcels of land are divided, consolidated, or established as one or more lots or parcels, or other divisions of land, consistent with criteria established by the legislative body of the local jurisdiction; or

(ii) the land so subdivided.

(2) "Subdivision" includes resubdivision.

(s) "Variance" means a modification only of density, bulk, dimensional, or area requirements in the zoning law that is not contrary to the public interest, and where, owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement of the zoning law would result in unnecessary hardship or practical difficulty, as specified in the zoning law.

(t) (1) "Zoning law" means the legislative implementation of regulations for zoning by a local jurisdiction.

(2) "Zoning law" includes a zoning ordinance, zoning regulation, zoning code, and any similar legislative action to implement zoning controls in a local jurisdiction.

§1–201.

(a) (1) The planning principles under subsection (b) of this section are collectively intended to create sustainable communities and to protect the environment in order to foster a high quality of life for all residents of the State.

(2) To accomplish the goals under paragraph (1) of this subsection, residents should be active partners in the planning and implementation of community initiatives and sensitive to their responsibilities as stewards in balancing and achieving community goals.

(b) In addition to the requirements of § 3–201(a) and (b) of this article, a planning commission shall implement the following planning principles through the comprehensive plan described in Title 3 of this article:

(1) land: optimize productivity of working landscapes, including farms and forests, and fisheries, and prioritize development within population centers that are in proximity to existing infrastructure and facilities;

(2) transportation: prioritize transportation networks that create energy efficient, affordable, and reliable access to jobs, housing, and services;

(3) housing: enable a mix of quality housing types and affordability options to accommodate all who want to live in the State;

(4) economy: allow for adaptive reuse, mixed–use, and context appropriate new development that responds to changing markets and innovations;

(5) equity: engage all sectors of the community in plan development to ensure diverse voices are heard and the needs of underserved populations are prioritized;

(6) resilience: integrate resiliency measures that will minimize the impacts of rapid and unexpected natural– and human–caused threats on communities;

(7) place: provide for public spaces that encourage social interaction and value cultural, historical, and natural resources; and

(8) ecology: protect and restore sensitive ecological systems and conserve natural resources, including forests, agricultural areas, and waterways.

§1–202.

(a) A regulation adopted under this division that conflicts with any statute, local law, or other regulation shall govern if the regulation adopted under this division:

(1) requires a greater width or size of yards, courts, or other open spaces;

(2) requires a lower height of buildings;

(3) requires a reduced number of stories;

(4) requires a greater percentage of lot left unoccupied; or

(5) imposes a more restrictive standard.

(b) A statute, local law, or other regulation that conflicts with a regulation adopted under this division shall govern if the statute, local law, or other regulation:

(1) requires a greater width or size of yards, courts, or other open spaces;

(2) requires a lower height of buildings;

(3) requires a reduced number of stories;

(4) requires a greater percentage of lot left unoccupied; or

(5) imposes a more restrictive standard.

(c) (1) This subsection applies to the Maryland–Washington Regional District established under Chapter 992 of the Acts of the General Assembly of 1943.

(2) This division does not supplement Chapter 992 of the Acts of the General Assembly of 1943 if a local agency located within the Maryland–Washington Regional District administers municipal and regional planning and zoning.

(3) In the Maryland–Washington Regional District, the additional and supplemental powers vested by this division in a legislative body may not be

considered vested in and may not be exercised by a county council acting as a district council under Chapter 992 of the Acts of the General Assembly of 1943.

(4) In the Maryland–Washington Regional District, the powers vested by this division in a planning commission or board of appeals may not be considered vested in and may not be exercised by the Maryland–National Capital Park and Planning Commission, the planning board, or the board of zoning appeals of the affected county.

(5) Provisions of this division that are inconsistent with or contrary to Chapter 992 of the Acts of the General Assembly of 1943 do not apply in the Maryland–Washington Regional District.

(6) This division does not affect the validity of Chapter 992 of the Acts of the General Assembly of 1943.

§1–203.

Except as otherwise provided in this division, any law or ordinance that is inconsistent with or contrary to this division is repealed to the extent of the inconsistency.

§1–204.

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

(1) the Local Government Article; and

(2) Title 8, Subtitle 18 of the Natural Resources Article.

(b) The inclusion or exclusion of a provision of public general law in this section may not be construed to imply any relationship between the provision and land use matters included in this article.

§1–205.

The requirement or authorization for a local jurisdiction to enact a local law to implement a provision of this division is not intended to alter in any way the form or legislative mechanism that the applicable enabling authority requires for the local jurisdiction to enact the local law, whether by ordinance, resolution, or otherwise, as of October 1, 2012.

§1–206.

(a) (1) In this subsection, "planning commission" includes a planning commission or board established under:

(i) Title 2 of this article;

(ii) Division II of this article; or

(iii) Title 10 of the Local Government Article.

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

(i) the role of the comprehensive plan;

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

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

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

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

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

(b) (1) In this subsection, "board of appeals" includes a board of appeals established under:

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

(ii) § 10–403 of this article;

(iii) Division II of this article; or

(iv) Title 10 of the Local Government Article.

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

(i) the role of the comprehensive plan;

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

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

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

(i) invalidate a decision of the board; or

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

§1–207.

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

(1) Title 2 of this article;

(2) Division II of this article; or

(3) Title 10 of the Local Government Article.

(b) On or before July 1 of each year, a planning commission shall prepare, adopt, and file an annual report for the previous calendar year with the legislative body.

(c) The annual report shall:

(1) index and locate on a map any changes in development patterns that occurred during the period covered by the report, including:

(i) land use;

(ii) transportation;

(iii) community facilities patterns;

(iv) zoning map amendments; and

(v) subdivision plats;

(2) state whether the changes under item (1) of this subsection are consistent with:

(i) each other;

(ii) the recommendations of the last annual report;

(iii) the approved plans of the local jurisdiction;

(iv) the approved plans of all adjoining local jurisdictions; and

(v) the approved plans of State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the local jurisdiction's plan;

(3) contain statements and recommendations for improving the planning and development process within the local jurisdiction;

(4) state which local laws or regulations have been adopted or changed to implement the visions in § 1–201 of this subtitle as required under § 1–417 of this title or § 3–303 of this article;

(5) contain the measures and indicators required under § 1–208(c) of this subtitle; and

(6) at least once within the 5–year period after the adoption or review by the local jurisdiction of a comprehensive plan under Part II of Subtitle 4 of this title or under Title 3 of this article, contain a narrative on the implementation status of the comprehensive plan, including:

(i) a summary of the development trends contained in the previous annual reports filed during the period covered by the narrative;

(ii) the status of comprehensive plan implementation tools such as comprehensive rezoning to carry out the provisions of the comprehensive plan;

(iii) identification of any significant changes to existing programs, zoning ordinances, regulations, financing programs, or State requirements necessary to achieve the visions and goals of the comprehensive plan during the remaining planning timeframe;

(iv) identification of any State or federal laws, regulations, or requirements that have impeded local implementation of the comprehensive plan and recommendations to remove any impediments;

(v) future land use challenges and issues; and

(vi) a summary of any potential updates to the comprehensive plan.

(d) The legislative body shall review the annual report and direct that any appropriate and necessary studies and other actions be undertaken to ensure the continuation of a viable planning and development process.

(e) The local jurisdiction shall make the annual report available for public inspection.

(f) (1) The local jurisdiction shall mail a copy of the report to the Secretary of Planning.

(2) The Department of Planning may comment on the report.

§1–208.

(a) In this section, "National Center" means the National Center for Smart Growth Research and Education at the University of Maryland, College Park Campus.

(b) (1) The General Assembly finds that:

(i) in addition to reporting on past land use indicators and measures, local jurisdictions should strive to achieve future land use goals that implement and achieve the visions in § 1–201 of this subtitle;

(ii) a statewide land use goal that embodies the visions in § 1–201 of this subtitle and smart and sustainable growth should be established;

(iii) the visions in § 1–201 of this subtitle will not be realized unless local jurisdictions set their own goal to make incremental progress towards achieving a statewide land use goal; and

(iv) resources are necessary to achieve a statewide goal, including funding for infrastructure inside the priority funding areas and land preservation outside the priority funding areas.

(2) (i) The statewide land use goal is to increase the current percentage of growth inside the priority funding areas and to decrease the percentage of growth located outside the priority funding areas.

(ii) Local jurisdictions shall develop a percentage goal towards achieving the statewide goal.

(c) (1) Except as provided in paragraphs (2) and (3) of this subsection, the annual report required to be filed under § 1–207 of this subtitle shall include the following measures and indicators:

(i) the amount, share, and net density of growth inside and outside the priority funding areas;

(ii) the creation of new lots and the issuance of residential and commercial building permits inside and outside the priority funding areas;

(iii) the development capacity analysis, updated every 3 years and whenever there is a significant change in zoning or land use patterns;

(iv) the number of acres preserved using local agricultural land preservation funding, if applicable; and

(v) the following information on achieving the statewide goal stated in subsection (b)(2) of this section:

1. the local goal;

2. the time frame for achieving the local goal;

3. the resources necessary for infrastructure inside the priority funding areas and land preservation outside the priority funding areas; and

4. any incremental progress made towards achieving the local goal.

(2) If all land within the boundaries of a municipal corporation is a priority funding area, the municipal corporation need not:

(i) establish a local goal for achieving the statewide goal stated in subsection (b)(2) of this section; or

(ii) include information in the annual report on a local goal as required in paragraph (1)(v) of this subsection.

(3) A county or municipal corporation that issues fewer than 50 building permits for new residential units each year:

(i) need not include information in the annual report on measures and indicators listed in paragraph (1) of this subsection; but

(ii) shall provide documentation to the Department of Planning each year that fewer than 50 building permits for new residential units are issued.

(d) (1) In accordance with Title 2, Subtitle 5 and Title 10, Subtitle 1 of the State Government Article, the Department of Planning may adopt regulations to detail how the measures and indicators required under subsection (c) of this section are submitted and transmitted in the annual report of each local jurisdiction.

(2) The Department of Planning shall:

(i) develop measures and indicators that will be collected by the Department; and

(ii) consider which measures or indicators may be collected by the National Center.

(e) On or before January 1 of each year, the Department of Planning, in consultation with the National Center, shall submit a report to the Governor and, in accordance with § 2–1257 of the State Government Article, to the General Assembly on the measures and indicators collected under this section.

§1–301.

In this subtitle, "action" means:

(1) the adoption of a local law or regulation concerning:

(i) a special exception under § 1–101(p) of this title (Definitions – "Special exception"); or

(ii) plan implementation and review under § 1–417 of this title or § 3–303 of this article;

(2) a requirement under § 9–505(a)(1) of the Environment Article and § 4–415(c) of the Local Government Article (Municipal annexation); or

(3) a required finding under §§ 9–506(a)(1) and 9–507(b)(2) of the Environment Article (Water and sewer plan review).

§1–302.

This subtitle applies to:

(1) a special exception under § 1–101(p) of this title (Definitions – "Special exception");

(2) plan implementation and review under § 1–417 of this title or § 3–303 of this article;

(3) §§ 9–505(a)(1), 9–506(a)(1), and 9–507(b)(2) of the Environment Article (Water and sewer plan review); and

(4) § 4–414(c) of the Local Government Article (Annexation plan).

§1–303.

Except as provided in § 1–304 of this subtitle, when a provision in a statute listed under § 1–302 of this subtitle requires an action to be "consistent with" or have "consistency with" a comprehensive plan, the term shall mean an action taken that will further, and not be contrary to, the following items in the plan:

(1) policies;

(2) timing of the implementation of the plan;

(3) timing of development;

(4) timing of rezoning;

(5) development patterns;

(6) land uses; and

(7) densities or intensities.

§1–304.

(a) This section applies to plan implementation and review under § 1–301(1)(ii) of this subtitle.

(b) In a priority funding area, if § 1–417 of this title or § 3–303 of this article requires an action to be "consistent with" or have "consistency with" a comprehensive plan, the term shall mean an action taken that will further, and not be contrary to, the following items in the plan:

(1) policies;

(2) timing of the implementation of the plan;

(3) timing of development;

(4) timing of rezoning; and

(5) development patterns.

§1–401.

(a) Except as provided in this section, this division does not apply to charter counties.

(b) The following provisions of this division apply to a charter county:

(1) this subtitle, including Parts II and III (Charter county – Comprehensive plans);

(2) § 1–101(l), (m), and (o) (Definitions – "Plan", "Priority funding area", and "Sensitive area");

(3) § 1–201 (Visions);

(4) § 1–206 (Required education);

(5) § 1–207 (Annual report – In general);

(6) § 1–208 (Annual report – Measures and indicators);

(7) Title 1, Subtitle 3 (Consistency);

(8) Title 1, Subtitle 5 (Growth Tiers);

(9) § 4–104(c) (Limitations – Bicycle parking);

(10) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

(11) § 4–208 (Exceptions – Maryland Accessibility Code);

(12) § 4–210 (Permits and variances – Solar panels);

(13) § 4–211 (Change in zoning classification – Energy generating systems);

(14) § 4–212 (Agritourism);

(15) § 4–213 (Alcohol production);

(16) § 4–214 (Agricultural alcohol production);

(17) § 4–215 (Pollinator–friendly vegetation management);

(18) § 4–216 (Limitations – Family child care homes and large family child care homes);

(19) Title 4, Subtitle 5 (Accessory Dwelling Units);

(20) § 5–102(d) (Subdivision regulations – Burial sites);

(21) § 5–104 (Major subdivision – Review);

(22) Title 7, Subtitle 1 (Development Mechanisms);

(23) Title 7, Subtitle 2 (Transfer of Development Rights);

(24) except in Montgomery County or Prince George's County, Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

(25) Title 7, Subtitle 4 (Inclusionary Zoning);

(26) Title 7, Subtitle 5 (Housing Expansion and Affordability);

(27) § 8–401 (Conversion of overhead facilities);

(28) for Baltimore County only, Title 9, Subtitle 3 (Single–County Provisions – Baltimore County);

(29) for Frederick County only, Title 9, Subtitle 10 (Single–County Provisions – Frederick County);

(30) for Howard County only, Title 9, Subtitle 13 (Single–County Provisions – Howard County);

(31) for Talbot County only, Title 9, Subtitle 18 (Single–County Provisions – Talbot County); and

(32) Title 11, Subtitle 2 (Civil Penalty).

(c) This section supersedes any inconsistent provision of Division II of this article.

§1–402.

(a) In addition to the powers the county may have had under this division before adopting code home rule, a code county may exercise the powers relating to land use stated in Title 10 of the Local Government Article.

(b) A code county that chooses to exercise the powers relating to land use stated in Title 10 of the Local Government Article shall be treated as a charter county for purposes of § 1–401 of this subtitle.

§1–403.

(a) This section applies in code counties only in the Southern Maryland class, as established in § 9–302 of the Local Government Article.

(b) A county may provide in the county's subdivision regulations for:

(1) the dedication of real property for recreation; or

(2) in lieu of dedication, the payment of a fee to be used by the county for the purchase, development, and improvement of real property for recreational facilities.

§1–405.

A charter county shall enact, adopt, amend, and execute a plan in accordance with this part and Part III of this subtitle.

§1–406.

(a) (1) The planning commission for a charter county shall include in the comprehensive or general plan the visions under § 1–201 of this title and the following elements:

(i) a development regulations element;

(ii) a housing element;

(iii) a sensitive areas element;

(iv) a transportation element; and

(v) a water resources element.

(2) If current geological information is available, the plan shall include a mineral resources element.

(b) The planning commission for a charter county may include in the plan a priority preservation area element developed in accordance with § 2–518 of the Agriculture Article.

§1–407.

(a) The development regulations element shall include the planning commission's recommendation for land development regulations to implement the plan.

(b) The development regulations element shall encourage:

(1) the use of flexible development regulations to promote innovative and cost–saving site design and protect the environment; and

(2) within the areas designated for growth in the plan:

(i) economic development through the use of innovative techniques; and

(ii) streamlined review of applications for development, including permit review and subdivision plat review.

§1–407.1.

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

(2) "Affirmatively further fair housing" has the meaning stated in § 2–401 of the Housing and Community Development Article.

(3) "Area median income" has the meaning stated in § 4–1801 of the Housing and Community Development Article.

(4) "Low–income housing" means housing that is affordable for a household with an aggregate annual income that is below 60% of the area median income.

(5) "Workforce housing" has the meaning stated in § 4–1801 of the Housing and Community Development Article.

(b) A housing element may include goals, objectives, policies, plans, and standards.

(c) A housing element shall address the need for affordable housing within the county, including:

(1) workforce housing; and

(2) low–income housing.

(d) (1) A county has a duty to affirmatively further fair housing through the county's housing and urban development programs.

(2) The housing element of a comprehensive plan that is enacted or amended on or after January 1, 2025, shall include an assessment of fair housing to ensure that the county is affirmatively furthering fair housing.

(3) On request of a county, the Department of Planning, in consultation with the Department of Housing and Community Development, shall provide technical assistance for the purpose of developing the housing element of the comprehensive plan.

(4) This subsection does not require a county to take, or prohibit a county from taking, a specific action to affirmatively further fair housing.

§1–408.

(a) (1) A sensitive areas element shall include the goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development.

(2) A charter county shall consider wildlife movement and habitat connectivity when enacting, adopting, amending, or executing a plan in accordance with § 1–405 of this subtitle.

(b) (1) Beginning October 1, 2013, the Department of Natural Resources shall provide a statewide forest resource inventory to local jurisdictions at least every 5 years, to be available for the local comprehensive plan review by local jurisdictions required under § 1–416(a) of this subtitle and § 3–301(a) of this article.

(2) The Department of Planning shall coordinate with the Department of Natural Resources and the State Highway Administration to provide each charter county with updated information on habitat connectivity concerns and current and planned wildlife crossings.

(c) Before the plan is adopted, the Department of the Environment and the Department of Natural Resources shall review the sensitive areas element to determine whether the proposed plan is consistent with the programs and goals of the departments.

§1–409.

(a) The transportation element may include all types of:

(1) airways;

(2) highways or streets;

(3) railways;

(4) waterways;

(5) routings for mass transit; and

(6) terminals for individuals, goods, and vehicles related to airways, highways, railways, and waterways.

(b) The transportation element shall:

(1) propose, on a schedule that extends as far into the future as is reasonable, the most appropriate and desirable patterns for:

(i) the general location, character, and extent of channels, routes, and terminals for transportation facilities; and

(ii) the circulation of individuals and goods;

(2) provide for bicycle and pedestrian access and travelways; and

(3) include an estimate of the use of any proposed improvement.

§1–410.

(a) Considering available data provided by the Department of the Environment, the water resources element shall identify:

(1) drinking water and other water resources that will be adequate for the needs of existing and future development proposed in the land use element of the plan; and

(2) suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs of existing and future development proposed in the land use element of the plan.

(b) The Department of the Environment shall:

(1) provide, on request of a local jurisdiction, technical assistance on the development of the water resources element; and

(2) review the water resources element to determine whether the proposed plan is consistent with the programs and goals of the Department reflected in the general water resources program required under § 5–203 of the Environment Article.

§1–411.

(a) The mineral resources element shall identify:

(1) undeveloped land that should be kept in its undeveloped state until the land can be used to assist in providing a continuous supply of minerals, as defined in § 15–801(i) of the Environment Article; and

(2) appropriate postexcavation uses for the land that are consistent with the county's land planning process.

(b) A mineral resources element shall incorporate land use policies and recommendations for regulations:

(1) to balance mineral resource extraction with other land uses; and

(2) to the extent feasible, to prevent the preemption of mineral resources extraction by other uses.

(c) Before the plan is adopted, the Department of the Environment shall review the mineral resources element to determine whether the proposed plan is consistent with the programs and goals of the Department.

§1–412.

(a) This section applies only to a charter county or a code county that was required before adopting home rule to designate in the comprehensive plan areas on or near the tidal waters of the State under § 3–113 of this article.

(b) The planning commission of a charter county that is located on the tidal waters of the State shall designate in the comprehensive plan areas on or near the tidal waters for:

(1) loading, unloading, and processing finfish and shellfish; and

(2) docking and mooring commercial fishing boats and vessels.

(c) The areas designated under subsection (b) of this section shall be geographically located to:

(1) facilitate the commercial harvesting of finfish and shellfish; and

(2) ensure reasonable access to the waterways of the State by commercial watermen.

§1–414.

In addition to the requirements for the plan under Part II of this subtitle, a planning commission shall implement the visions set forth in § 1–201 of this title through the plan.

§1–415.

(a) The planning commission of a charter county or code county shall implement the visions set forth in § 1–201 of this title through the comprehensive plan elements required under Part II of this subtitle.

(b) The legislative body of a charter county or code county that has adopted a comprehensive plan under Part II of this subtitle may adopt regulations implementing the visions set forth in § 1–201 of this title in the plan.

§1–416.

(a) At least once every 10 years, each planning commission shall review the comprehensive plan and, if necessary, revise or amend the comprehensive plan to include all:

(1) the elements required under Part II of this subtitle; and

(2) the visions set forth in § 1–201 of this title.

(b) The planning commission may prepare comprehensive plans for one or more geographic sections or divisions of the local jurisdiction if the plan for each geographic section or division is reviewed and, if necessary, revised or amended at least once every 10 years.

§1–417.

(a) At least once every 10 years, which corresponds to the comprehensive plan revision process under § 1–416 of this subtitle, a charter county shall ensure the implementation of the visions, the development regulations element, and the sensitive areas element of the plan.

(b) A charter county shall ensure that the implementation of the requirements of subsection (a) of this section are achieved through the adoption of the following applicable implementation mechanisms that are consistent with the comprehensive plan:

(1) zoning laws; and

(2) local laws governing:

(i) planned development;

(ii) subdivision; and

(iii) other land use provisions.

§1–418.

(a) Subject to subsection (b) of this section, a charter county shall include in its comprehensive plan any plan element that is required under Part II of this subtitle in accordance with the review schedule for the local jurisdiction under § 1–417 of this subtitle.

(b) On request of a charter county and for good cause, the Department of Planning may extend the deadline under subsection (a) of this section for that charter county by no more than two 6–month extensions.

(c) A charter county that is not in compliance with this section after the deadline under subsection (a) of this section or after the expiration of any extension granted under subsection (b) of this section, may not change the zoning classification of a property until that charter county has complied with this section.

§1–501.

In this subtitle, "planning board":

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

(2) includes a planning commission or board established under Division II of this article or Title 10 of the Local Government Article.

§1–502.

On or before December 31, 2012, a local jurisdiction may adopt the mapped growth tiers in accordance with this subtitle.

§1–503.

Before adoption of the growth tiers, a local jurisdiction may submit the proposed tiers and any relevant information to the Department of Planning for:

(1) technical assistance, review, and comment; and

(2) the opportunity for public review.

§1–504.

After adoption of the growth tiers, the local jurisdiction shall provide to the Department of Planning all information necessary to demonstrate the precise location of the tiers, including, as appropriate:

(1) a map of the area showing planning and zoning characteristics of each tier; and

(2) existing and planned water and sewer services.

§1–505.

The Department of Planning may comment on the growth tiers adopted by the local jurisdictions.

§1–506.

(a) Subject to subsections (b), (c), and (d) of this section, a local jurisdiction that chooses to adopt growth tiers is not required to adopt all of the tiers.

(b) A municipal corporation that exercises planning and zoning authority shall adopt Tier I and may adopt Tier II.

(c) A county shall adopt Tiers I, III, and IV, and may adopt Tier II.

(d) If a local jurisdiction does not adopt all of the tiers authorized under this section, the local jurisdiction shall document the reasons the jurisdiction is not adopting a particular tier.

§1–507.

(a) If the Department of Planning comments under § 1–505 of this subtitle on any of the tiers or on an area within one of the tiers, the local legislative body or the planning board shall hold at least one public hearing on the comments by the Department of Planning.

(b) The local legislative body or the planning board shall review the mapped growth tiers adopted by the local jurisdiction in light of the comments by the Department of Planning.

(c) If the planning board holds the public hearing under subsection (a) of this section, after the public hearing and the consideration of the comments by the Department of Planning, the planning board shall recommend to the local jurisdiction that either the tiers or an area within the tiers:

(1) be changed; or

(2) that the adopted tiers remain unchanged.

(d) If the planning board recommends that the tiers or an area within the tiers be changed under subsection (c) of this section, the planning board shall provide the recommended mapped growth tier changes to the local jurisdiction.

§1–508.

(a) The growth tiers adopted by a local jurisdiction shall meet the following criteria:

(1) Tier I areas are areas that are:

(i) served by public sewerage systems and mapped locally designated growth areas; or

(ii) a municipal corporation that is a priority funding area that is served by public sewerage systems;

(2) Tier II areas are areas that are:

(i) 1. planned to be served by public sewerage systems and in the municipal growth element; or

2. mapped locally designated growth areas; and

(ii) needed to satisfy demand for development at densities consistent with the long–term development policy after consideration of the capacity of land areas available for development, including in–fill and redevelopment, within the local jurisdiction;

(3) Tier III areas are areas that:

(i) are not planned for sewerage service and not dominated by agricultural or forest land;

(ii) are not planned or zoned by a local jurisdiction for land, agricultural, or resource protection, preservation, or conservation; and

(iii) are one of the following:

1. municipal corporations not served by a public sewerage system;

2. rural villages as described in § 5–7B–03(f) of the State Finance and Procurement Article;

3. mapped locally designated growth areas; or

4. areas planned and zoned for large lot and rural development; and

(4) Tier IV areas are areas that are not planned for sewerage service and are:

(i) areas planned or zoned by a local jurisdiction for land, agricultural, or resource protection, preservation, or conservation;

(ii) areas dominated by agricultural lands, forest lands, or other natural areas; or

(iii) rural legacy areas, priority preservation areas, or areas subject to covenants, restrictions, conditions, or conservation easements for the benefit of, or held by a State agency, as defined in § 9–206 of the Environment Article, or a local jurisdiction for the purpose of conserving natural resources or agricultural land.

(b) A local jurisdiction shall strive to avoid creating a Tier III area that is bounded on all sides by land in a Tier IV area.

§1–509.

(a) A local jurisdiction that adopts growth tiers shall incorporate the tiers into the comprehensive plan or an element of the plan:

(1) when the local jurisdiction conducts the 10–year review of the plan under § 1–416(a) of this title or § 3–301(a) of this article; and

(2) in accordance with the requirements of this section.

(b) If a local jurisdiction does not incorporate all of the growth tiers authorized under this section into the comprehensive plan or an element of the plan, the local jurisdiction shall state that a tier is not adopted.

§2–101.

A local jurisdiction may establish by local law a planning commission with the powers and duties set forth in this division.

§2–102.

(a) (1) Except as otherwise provided in this division, a planning commission established under this subtitle shall consist of three, five, or seven members.

(2) One member of the planning commission may be a member of the legislative body, who serves as an ex officio member concurrent with the member's legislative term.

(3) (i) An ex officio member of a planning commission may not vote on any question in the result of which the ex officio member has an immediate personal or financial interest.

(ii) When an ex officio member abstains from voting on a question under subparagraph (i) of this paragraph, the ex officio member shall disclose the recusal.

(b) (1) Except as otherwise provided in paragraph (2) of this subsection, the members of a planning commission shall be appointed by:

(i) the legislative body; or

(ii) the person designated as the appointing authority in the local law establishing the planning commission.

(2) If there is a single elected local executive, the members of a planning commission shall be appointed by the local executive and confirmed by the legislative body.

(c) (1) The term of a member of a planning commission other than an ex officio member is:

(i) 5 years; or

(ii) until the member's successor takes office.

(2) The terms of the members of a planning commission shall be staggered.

(d) (1) A legislative body may remove a member of a planning commission for:

(i) incompetence;

(ii) misconduct; or

(iii) in the same manner as for a member of a State board or commission:

1. failure to attend meetings under § 8–501 of the State Government Article; or

2. conviction of a crime in accordance with § 8–502 of the State Government Article.

(2) The legislative body shall provide to the member:

(i) a written statement of charges stating the grounds for removal; and

(ii) an opportunity for a public hearing to contest the charges.

(e) If a vacancy occurs during the term of an appointed member, the vacancy shall be filled for the unexpired term in the same manner as is required for appointment under subsection (b) of this section.

(f) (1) The legislative body may designate one or more alternate members to sit on the planning commission in the absence of any member of the commission.

(2) If an alternate member is absent, the legislative body may designate a temporary alternate member to sit on the planning commission.

§2–103.

(a) (1) From among its appointed members, a planning commission shall elect a chair.

(2) (i) The term of a chair is 1 year.

(ii) A chair may be reelected.

(b) A planning commission may establish and select other officers that it considers appropriate.

§2–104.

(a) (1) Except as provided in paragraph (2) of this subsection, a planning commission shall hold at least one regular meeting each month.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a planning commission appointed by a municipal corporation shall hold meetings quarterly, or more often as the planning commission's duties require.

(ii) If there is no business before the planning commission, the chair may cancel the quarterly meeting.

(b) Each member of a planning commission is entitled to the compensation that the legislative body considers appropriate.

(c) A planning commission may:

(1) appoint the employees necessary for the performance of the planning commission's functions; and

(2) contract with planners, engineers, architects, and other consultants for services that the commission requires.

§2–105.

(a) (1) A planning commission shall have the powers necessary to enable the commission to fulfill its functions, promote planning, and execute the purposes of this division.

(2) On a planning commission's request, all public officials shall provide to the commission, within a reasonable time, available information that the commission may require for the performance of the planning commission's functions.

(3) In the performance of the planning commission's functions, a planning commission and its members, officers, and employees may enter on any land and make examinations and surveys.

(4) A planning commission may accept and use gifts and public or private grants for the performance of the commission's functions.

(b) (1) A planning commission's expenditures, other than gifts, shall be made in accordance with:

(i) the conditions of the legislative body; and

(ii) the amount appropriated by the legislative body.

(2) The legislative body shall provide the funds, equipment, and accommodations necessary for the performance of the planning commission's functions.

(c) (1) A planning commission shall:

(i) adopt rules for the conduct of its business; and

(ii) keep records of its resolutions, transactions, findings, and determinations.

(2) The records required under paragraph (1) of this subsection shall be open to the public.

§3–101.

(a) A local jurisdiction shall enact, adopt, amend, and execute a plan in accordance with this division.

(b) A municipal corporation may be included as part of a county plan under this division if:

(1) the legislative body of the municipal corporation, by resolution directed to the legislative body of the county where the municipal corporation is located, indicates the intention to participate in the county plan; and

(2) the legislative body of the county approves the resolution.

§3–102.

(a) (1) The planning commission for a local jurisdiction shall include in the comprehensive plan the following elements:

(i) a community facilities element;

(ii) an area of critical State concern element;

(iii) a goals and objectives element;

(iv) a housing element;

(v) a land use element;

(vi) a development regulations element;

(vii) a sensitive areas element;

(viii) a transportation element; and

(ix) a water resources element.

(2) If current geological information is available, the plan shall include a mineral resources element.

(3) The plan for a municipal corporation that exercises zoning authority shall include a municipal growth element.

(4) The plan for a county that is located on the tidal waters of the State shall include a fisheries element.

(b) (1) The planning commission for a local jurisdiction may include in the plan additional elements to advance the purposes of the plan.

(2) The additional elements may include:

(i) community renewal elements;

(ii) conservation elements;

(iii) flood control elements;

(iv) natural resources elements;

(v) pollution control elements;

(vi) the general location and extent of public utilities; and

(vii) a priority preservation area element developed in accordance with § 2–518 of the Agriculture Article.

§3–103.

(a) The development regulations element shall include the planning commission's recommendation for land development regulations to implement the plan.

(b) The development regulations element shall encourage:

(1) the use of flexible development regulations to promote innovative and cost–saving site design and protect the environment; and

(2) within the areas designated for growth in the plan:

(i) economic development through the use of innovative techniques; and

(ii) streamlined review of applications for development, including permit review and subdivision plat review.

§3–104.

(a) (1) A sensitive areas element shall include the goals, objectives, principles, policies, and standards designed to protect sensitive areas from the adverse effects of development.

(2) A local jurisdiction shall consider wildlife movement and habitat connectivity when enacting, adopting, amending, or executing a plan in accordance with § 3–101 of this subtitle.

(b) (1) Beginning October 1, 2013, the Department of Natural Resources shall provide a statewide forest resource inventory to local jurisdictions at least every 5 years, to be available for the local comprehensive plan review by local jurisdictions required under §§ 1–416(a) and 3–301(a) of this article.

(2) The Department of Planning shall coordinate with the Department of Natural Resources and the State Highway Administration to provide each local jurisdiction with updated information on habitat connectivity concerns and current and planned wildlife crossings.

(c) Before the plan is adopted, the Department of the Environment and the Department of Natural Resources shall review the sensitive areas element to determine whether the proposed plan is consistent with the programs and goals of the departments.

§3–105.

(a) The transportation element may include all types of:

(1) airways;

(2) highways or streets;

(3) railways;

(4) waterways;

(5) routings for mass transit; and

(6) terminals for individuals, goods, and vehicles related to airways, highways, railways, and waterways.

(b) The transportation element shall:

(1) propose, on a schedule that extends as far into the future as is reasonable, the most appropriate and desirable patterns for:

(i) the general location, character, and extent of channels, routes, and terminals for transportation facilities; and

(ii) the circulation of individuals and goods;

(2) provide for bicycle and pedestrian access and travelways; and

(3) include an estimate of the use of any proposed improvement.

§3–106.

(a) Considering available data provided by the Department of the Environment, the water resources element shall identify:

(1) drinking water and other water resources that will be adequate for the needs of existing and future development proposed in the land use element of the plan; and

(2) suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs of existing and future development proposed in the land use element of the plan.

(b) The Department of the Environment shall:

(1) provide, on request of a local jurisdiction, technical assistance on the development of the water resources element; and

(2) review the water resources element to determine whether the proposed plan is consistent with the programs and goals of the Department reflected in the general water resources program required under § 5–203 of the Environment Article.

§3–107.

(a) The mineral resources element shall identify:

(1) undeveloped land that should be kept in its undeveloped state until the land can be used to assist in providing a continuous supply of minerals, as defined in § 15–801(i) of the Environment Article; and

(2) appropriate postexcavation uses for the land that are consistent with the county's land planning process.

(b) A mineral resources element shall incorporate land use policies and recommendations for regulations:

(1) to balance mineral resource extraction with other land uses; and

(2) to the extent feasible, to prevent the preemption of mineral resources extraction by other uses.

(c) Before the plan is adopted, the Department of the Environment shall review the mineral resources element to determine whether the proposed plan is consistent with the programs and goals of the Department.

§3–108.

(a) On a schedule that extends as far into the future as is reasonable, a community facilities element shall propose the most appropriate and desirable patterns for the general location, character, and extent of public and semipublic buildings, land, and facilities.

(b) A community facilities element may include:

(1) places of worship;

(2) fire stations;

(3) hospitals;

(4) institutions;

(5) jails;

(6) libraries;

(7) parks and recreation areas;

(8) police stations;

(9) schools and other educational facilities;

(10) cultural facilities;

(11) social welfare and medical facilities; and

(12) other public office or administrative facilities.

§3–109.

The areas of critical State concern element shall include the planning commission's recommendations for the determination, identification, and designation of areas within the local jurisdiction that are of critical State concern.

§3–110.

(a) The goals and objectives element shall include a statement of goals and objectives, principles, policies, and standards.

(b) The statement shall serve as a guide for the development and economic and social well–being of the local jurisdiction.

§3–111.

(a) On a schedule that extends as far into the future as is reasonable, the land use element shall propose the most appropriate and desirable patterns for the general location, character, extent, and interrelationship of the uses of public and private land.

(b) The land use element may include the following public and private land uses:

(1) agricultural;

(2) commercial;

(3) forestry, in accordance with § 5–101 of the Natural Resources Article;

(4) industrial;

(5) recreational; and

(6) residential.

§3–112.

(a) The municipal growth element shall include:

(1) the municipal corporation's:

(i) future municipal growth areas outside the existing corporate limits;

(ii) past growth patterns;

(iii) capacity of land areas available for development, redevelopment, and in–fill;

(2) the land area needed to satisfy demand for development at densities consistent with long–term development policy;

(3) the relationship of the long–term development policy to a vision of the municipal corporation's future character;

(4) rural buffers and transition areas;

(5) protection of sensitive areas that could be impacted by development planned within the proposed municipal growth area;

(6) population growth projections;

(7) public services and infrastructure needed to accommodate growth within the proposed municipal growth areas, including those necessary for:

(i) libraries;

(ii) recreation;

(iii) water and sewerage facilities;

(iv) public safety, including emergency medical response;

(v) stormwater management systems sufficient to ensure water quality both inside and outside the proposed municipal growth area; and

(vi) public schools sufficient to accommodate student population consistent with State rated capacity standards established by the Interagency Commission on School Construction;

(8) any burden on services and infrastructure for which the municipal corporation would be responsible for development in areas near to and outside of the proposed municipal growth area; and

(9) anticipated financing mechanisms to support necessary public services and infrastructure.

(b) On request of a municipal corporation, the Department of Planning shall provide technical assistance for the purposes of developing the municipal growth element of the comprehensive plan.

§3–113.

(a) The planning commission of a county that is located on the tidal waters of the State shall designate in the comprehensive plan areas on or near the tidal waters for:

(1) loading, unloading, and processing finfish and shellfish; and

(2) docking and mooring commercial fishing boats and vessels.

(b) The areas designated under subsection (a) of this section shall be geographically located to:

(1) facilitate the commercial harvesting of finfish and shellfish; and

(2) ensure reasonable access to the waterways of the State by commercial watermen.

§3–114.

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

(2) "Affirmatively further fair housing" has the meaning stated in § 2–401 of the Housing and Community Development Article.

(3) "Area median income" has the meaning stated in § 4–1801 of the Housing and Community Development Article.

(4) "Low–income housing" means housing that is affordable for a household with an aggregate annual income that is below 60% of the area median income.

(5) "Workforce housing" has the meaning stated in § 4–1801 of the Housing and Community Development Article.

(b) A housing element may include goals, objectives, policies, plans, and standards.

(c) A housing element shall address the need for affordable housing within the local jurisdiction, including:

(1) workforce housing; and

(2) low–income housing.

(d) (1) Local jurisdictions have a duty to affirmatively further fair housing through their housing and urban development programs.

(2) The housing element of a comprehensive plan that is enacted or amended on or after January 1, 2023, shall include an assessment of fair housing to ensure that the local jurisdiction is affirmatively furthering fair housing.

(3) On request of a local jurisdiction, the Department of Planning, in consultation with the Department of Housing and Community Development, shall provide technical assistance for the purpose of developing the housing element of the comprehensive plan.

(4) This subsection does not require a local jurisdiction to take, or prohibit a local jurisdiction from taking, a specific action to affirmatively further fair housing.

§3–201.

(a) (1) A planning commission shall prepare a plan by carefully and comprehensively surveying and studying:

(i) the present conditions and projections of future growth of the local jurisdiction; and

(ii) the relation of the local jurisdiction to neighboring jurisdictions.

(2) A planning commission shall make the plan with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the local jurisdiction and its environs.

(3) The plan shall serve as a guide to public and private actions and decisions to ensure the development of public and private property in appropriate relationships.

(b) (1) In accordance with present and future needs, a plan shall promote:

(i) good civic design and arrangement;

(ii) a healthy and convenient distribution of population;

(iii) the health, safety, and general welfare of the local jurisdiction; and

(iv) efficiency and economy in the development process.

(2) A plan shall:

(i) include any areas outside the boundaries of the plan that, in the planning commission's judgment, relate to the planning responsibilities of the commission; and

(ii) provide for:

1. transportation needs;

2. the promotion of public safety;

3. light and air;

4. the conservation of natural resources;

5. the prevention of environmental pollution;

6. the wise and efficient expenditure of public funds;

7. adequate public utilities; and

8. an adequate supply of other public requirements.

(c) In addition to the requirements for the plan under Subtitle 1 of this title, a planning commission shall implement through the plan the visions set forth in § 1–201 of this article.

(d) (1) A planning commission may promote public interest in and understanding of the plan.

(2) A planning commission shall consult with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens about protecting or executing the plan.

§3–202.

(a) (1) A planning commission shall:

(i) make and approve a plan; and

(ii) recommend the plan to the legislative body for adoption.

(2) A planning commission may recommend adoption of:

(i) the whole plan;

(ii) successive parts of the plan, which correspond to geographic sections or divisions of the local jurisdiction; and

(iii) an amendment to the plan.

(b) (1) The elements of the plan may be expressed in words, graphics, or any other appropriate form.

(2) The elements of the plan shall be interrelated and each element shall describe how it relates to each of the other elements.

§3–203.

(a) (1) When a local jurisdiction initially implements the zoning powers under this division, the planning commission shall recommend the boundaries of the original districts and zones and appropriate regulations to be enforced in the districts and zones.

(2) The planning commission shall make a preliminary report on the proposed districts, zones, and regulations and hold at least one public hearing on the preliminary report before submitting its final report to the legislative body.

(3) The legislative body may not hold a public hearing or take action until it receives the final report of the planning commission.

(b) (1) A planning commission shall hold at least one public hearing before the commission recommends the adoption of a plan or any part or amendment to a plan.

(2) The planning commission shall publish at least one notice of the time and place of the hearing in a newspaper of general circulation in the local jurisdiction.

(c) At least 60 days before the public hearing, the planning commission shall provide copies of the recommended plan and amendments to the plan to:

(1) adjoining jurisdictions; and

(2) State units, regional units, and local jurisdictions responsible for financing or constructing public improvements necessary to implement the plan.

(d) The planning commission shall include in its report to the legislative body the recommendation of each unit and jurisdiction that comments on the plan.

(e) (1) A majority of the planning commission, by resolution, shall approve the plan or any part of or amendment to the plan.

(2) The resolution shall refer expressly to the text, map, and other matter that the commission intends to form the whole or part of the plan.

(3) The action taken shall be recorded on the map, plan, text, or other matter by the identifying signature of:

(i) the chair of the planning commission; or

(ii) the secretary of the commission.

(f) An attested copy of the plan or part of the plan shall be certified to the legislative body.

§3–204.

(a) Each local jurisdiction shall adopt a plan that includes:

(1) the elements required under Subtitle 1 of this title; and

(2) the visions set forth in § 1–201 of this article.

(b) (1) Except as provided in paragraph (2) of this subsection, only a legislative body that has adopted a plan may adopt regulations implementing the visions stated in § 1–201 of this article in the plan.

(2) This subsection does not limit the Department of Planning from exercising any authority granted under the State Finance and Procurement Article.

(c) (1) Subject to paragraph (2) of this subsection, a legislative body may adopt, modify, remand, or disapprove:

(i) the whole plan or part of the plan;

(ii) a plan for one or more geographic sections or divisions of the local jurisdiction; or

(iii) an amendment to the plan.

(2) The legislative body may hold a public hearing before remanding or disapproving and shall hold a public hearing before adopting or modifying:

(i) the whole plan or part of the plan;

(ii) a plan for one or more geographic sections or divisions of the local jurisdiction; or

(iii) an amendment to the plan.

(3) The planning commission shall hold a public hearing before submitting a new recommended plan to the legislative body, if the legislative body remands or disapproves:

(i) the whole plan or part of the plan;

(ii) a plan for one or more geographic sections or divisions of the local jurisdiction; or

(iii) an amendment to the plan.

(4) (i) The recommendation of the planning commission shall be considered approved if the legislative body fails to approve, modify, remand, or disapprove the recommended plan in accordance with paragraph (1) of this subsection

within 90 days after the date that the planning commission certifies an attested copy of the recommended plan to the legislative body in accordance with § 3–203(f) of this subtitle.

(ii) Notwithstanding subparagraph (i) of this paragraph, if the legislative body determines that there are exigent circumstances so that the legislative body is unable to act in accordance with paragraph (1) of this subsection, by resolution the legislative body may extend the deadline in subparagraph (i) of this paragraph for no more than one 60–day extension.

§3–205.

(a) This section applies only to a local jurisdiction where the legislative body has adopted a whole plan or a plan for one or more geographic sections or divisions of the local jurisdiction.

(b) A publicly or privately owned street, square, park, or other public way, ground, or open space, a public building or structure, or a public utility may not be authorized or constructed in the local jurisdiction or in a geographic section of the local jurisdiction until the planning commission has approved the location, character, and extent of the development as consistent with the plan.

(c) (1) The planning commission shall communicate its decision and the reasons for its decision to the legislative body or to the body that has jurisdiction over the financing of the public way, ground, space, building, structure, or utility.

(2) The submission to the planning commission shall be considered approved if the planning commission fails to act on the submission within 60 days after the date it was submitted.

(3) The legislative body or other body having jurisdiction may overrule the decision of the planning commission by a recorded vote of at least two–thirds of its entire membership.

§3–206.

(a) (1) When developing a municipal growth element of the comprehensive plan, a municipal corporation shall consult with the counties in which the municipal corporation is located.

(2) A municipal corporation shall provide a copy of a municipal growth element to the counties in which the municipal corporation is located before approval of the element.

(b) (1) The municipal corporation shall accept comments from the counties for 30 days after providing a copy of the municipal growth element to the counties in which the municipal corporation is located.

(2) Within 30 days following the close of the comment period under paragraph (1) of this subsection, the counties and the municipal corporation shall meet and confer regarding the municipal growth element.

(3) On request of either party, the county and the municipal corporation shall employ an appropriate mediation and conflict resolution service to facilitate the meeting and conferral under this subsection.

(c) (1) A municipal corporation and the counties in which the municipal corporation is located may enter into a joint planning agreement in order to coordinate implementation of a municipal growth element.

(2) A joint planning agreement shall consider the municipal growth element required under Subtitle 1 of this title.

§3–301.

(a) At least once every 10 years, each planning commission shall review the comprehensive plan and, if necessary, revise or amend the comprehensive plan to include all:

(1) the elements required under Subtitle 1 of this title; and

(2) the visions set forth in § 1–201 of this article.

(b) The planning commission may prepare comprehensive plans for one or more geographic sections or divisions of the local jurisdiction if the plan for each geographic section or division is reviewed and, if necessary, revised or amended at least once every 10 years.

§3–302.

To implement the plan, the planning commission shall periodically recommend to the appropriate public officials:

(1) programs for public structures, improvements, and land acquisitions; and

(2) financing programs.

§3–303.

(a) At least once every 10 years, which corresponds to the comprehensive plan revision process under § 3–301 of this subtitle, a local jurisdiction shall ensure the implementation of the visions, the development regulations element, and the sensitive areas element of the plan.

(b) A local jurisdiction shall ensure that the implementation of the requirements of subsection (a) of this section are achieved through the adoption of the following applicable implementation mechanisms that are consistent with the comprehensive plan:

(1) zoning laws;

(2) planned development ordinances and regulations;

(3) subdivision ordinances and regulations; and

(4) other land use ordinances and regulations.

§3–304.

(a) Subject to subsection (b) of this section, a local jurisdiction shall include in its comprehensive plan any plan element required under Subtitle 1 of this title in accordance with the review schedule for the local jurisdiction under § 3–303 of this subtitle.

(b) On request of a local jurisdiction and for good cause, the Department of Planning may extend the deadline under subsection (a) of this section for that local jurisdiction by no more than two 6–month extensions.

(c) A local jurisdiction that is not in compliance with this section after the deadline under subsection (a) of this section or after the expiration of any extension granted under subsection (b) of this section, may not change the zoning classification of a property until that local jurisdiction has complied with this section.

§4–101.

(a) It is the policy of the State that:

(1) the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning controls; and

(2) planning and zoning controls shall be implemented by local government.

(b) To achieve the public purposes of this regulatory scheme, it is the policy of the General Assembly and the State that local government action will displace or limit economic competition by owners and users of property through the planning and zoning controls set forth in this division and elsewhere in the public general and public local laws.

§4–102.

To promote the health, safety, and general welfare of the community, a legislative body may regulate:

(1) the height, number of stories, and size of buildings and other structures;

(2) the percentage of a lot that may be occupied;

(3) off–street parking;

(4) the size of yards, courts, and other open spaces;

(5) population density; and

(6) the location and use of buildings, signs, structures, and land.

§4–103.

(a) When zoning or rezoning land under this division, a legislative body may impose any additional conditions or limitations that the legislative body considers appropriate to improve or protect the general character and design of:

(1) the land and improvements being zoned or rezoned; or

(2) the surrounding or adjacent land and improvements.

(b) A municipal corporation may include in an annexation agreement conditions and limitations on the use of land and density of development otherwise allowed in the zoning district where the land is located.

(c) When zoning or rezoning land under this division, to ensure conformity with the intent and purpose of this division and of the local jurisdiction's zoning law, a legislative body may retain the power to approve or disapprove:

(1) the design of buildings, construction, landscaping, or other improvements; and

(2) changes made or to be made on the land being zoned or rezoned.

(d) The powers provided in this section shall apply only if the legislative body adopts a local law that includes:

(1) enforcement procedures; and

(2) requirements for adequate notice of:

(i) public hearings; and

(ii) conditions and limitations sought to be imposed.

§4–104.

(a) In this section, "modular dwelling" means a building assembly or system of building subassemblies designed for habitation as a dwelling for one or more individuals:

(1) that includes the necessary electrical, plumbing, heating, ventilating, and other service systems;

(2) that is made or assembled by a manufacturer on or off the building site for installation, or assembly and installation, on the building site; and

(3) installed and set up according to the manufacturer's instructions on an approved foundation and support system.

(b) The powers granted to a local jurisdiction under this subtitle do not:

(1) grant the local jurisdiction powers in any substantive area not otherwise granted to the local jurisdiction by any other public general or public local law;

(2) restrict the local jurisdiction from exercising any power granted to the local jurisdiction by any other public general or public local law or otherwise;

(3) authorize the local jurisdiction or its officers to engage in any activity that is beyond their power under any other public general or public local law or otherwise; or

(4) preempt or supersede the regulatory authority of any unit of the State under any public general law.

(c) (1) If a legislative body regulates off–street parking, the legislative body shall require space for the parking of bicycles in a manner that the legislative body considers appropriate.

(2) A legislative body may allow a reduction in the number of required automobile parking spaces based on the availability of space for parking bicycles.

(d) A legislative body may not prohibit the placement of a new manufactured home or modular dwelling in a zone that allows single–family residential uses if the home or dwelling:

(1) (i) meets the definition of modular dwelling under subsection (a) of this section; or

(ii) meets the definition of a manufactured home in § 9–102(a) of the Commercial Law Article and is, or will be after purchase, converted to real property in accordance with Title 8B, Subtitle 2 of the Real Property Article; or

(2) is located on land:

(i) currently or previously owned by the federal government;

(ii) greater than 80 acres in size; and

(iii) that was the site of a former U.S. military reservation.

§4–201.

(a) A legislative body may divide the local jurisdiction into districts and zones of any number, shape, and area that the legislative body considers best suited to carry out the purposes of this division.

(b) (1) Within the districts and zones, the legislative body may regulate the construction, alteration, repair, or use of buildings, structures, or land.

(2) Except as otherwise provided in this division or authorized by law:

(i) zoning regulations shall be uniform for each class or kind of development throughout each district or zone; but

(ii) zoning regulations in one district or zone may differ from those in other districts or zones.

§4–202.

(a) The legislative body shall adopt zoning regulations:

(1) in accordance with the plan;

(2) with reasonable consideration for, among other things, the character of the district or zone and its suitability for particular uses; and

(3) with a view to conserving the value of property and encouraging orderly development and the most appropriate use of land.

(b) The zoning regulations shall be designed to:

(1) control street congestion;

(2) promote health, public safety, and general welfare;

(3) provide adequate light and air;

(4) promote the conservation of natural resources;

(5) prevent environmental pollution;

(6) properly manage growth and development; and

(7) promote or facilitate adequate transportation, water, sewerage, schools, recreation, parks, and other public facilities.

§4–203.

(a) A legislative body shall provide for the manner in which its zoning regulations and the boundaries of districts and zones shall be established, enforced, and amended.

(b) (1) A legislative body shall hold at least one public hearing on a proposed zoning regulation or boundary at which parties in interest and citizens have an opportunity to be heard.

(2) (i) The legislative body shall publish notice of the time and place of the public hearing, together with a summary of the proposed zoning regulation or boundary, in at least one newspaper of general circulation in the local jurisdiction once each week for 2 successive weeks.

(ii) The legislative body shall publish the first notice of the hearing at least 14 days before the hearing.

(3) The zoning regulation or boundary may not become effective until 10 days after the hearing or hearings.

§4–204.

(a) Zoning regulations and boundaries may be amended or repealed.

(b) (1) If the purpose and effect of a proposed map amendment is to change a zoning classification, the legislative body shall make findings of fact that address:

(i) population change;

(ii) the availability of public facilities;

(iii) present and future transportation patterns;

(iv) compatibility with existing and proposed development for the area;

(v) the recommendation of the planning commission; and

(vi) the relationship of the proposed amendment to the local jurisdiction's plan.

(2) The legislative body may grant the amendment to change the zoning classification based on a finding that there was:

(i) a substantial change in the character of the neighborhood where the property is located; or

(ii) a mistake in the existing zoning classification.

(3) The legislative body shall keep a complete record of a hearing on an application for reclassification and the votes of the members of the legislative body.

(4) A legislative body may not allow the filing of an application for a reclassification of all or part of any land for which a reclassification has been denied by the legislative body on the merits in the 12 months before the date of the application.

(5) The provisions of § 4–203(b) of this subtitle concerning public hearings and notice apply to applications for reclassification.

§4–205.

(a) A legislative body may authorize the planning director or another designee to grant an administrative adjustment from the following requirements in a zoning law enacted by the legislative body:

(1) height;

(2) setback;

(3) bulk;

(4) parking;

(5) loading, dimensional, or area; or

(6) similar requirements.

(b) Before developing criteria and procedures for administrative adjustments under this section, the legislative body shall:

(1) consult with the planning commission and the board of appeals; and

(2) provide:

(i) reasonable public notice of the proposed criteria and procedures;

(ii) an opportunity for a public hearing; and

(iii) an opportunity for public review and comment.

(c) The criteria for an administrative adjustment shall include:

(1) standards for actions on requests;

(2) standards for the classes of development that are eligible for an administrative adjustment; and

(3) the maximum variation from a zoning requirement that is allowed under an administrative adjustment.

(d) Procedures for administrative adjustments may address:

(1) applications;

(2) notice to the public and to the parties in interest;

(3) an opportunity for a public hearing;

(4) an opportunity for the taking of testimony and evidence; and

(5) decision making.

(e) A decision on an application for an administrative adjustment shall include written findings of fact and conclusions of law.

(f) By enacting a local law or adopting a procedure, a legislative body may authorize the appeal to the board of appeals of a decision to approve or deny an administrative adjustment.

(g) Nothing in this section is intended to authorize a local jurisdiction to allow an administrative adjustment to State or local requirements that are intended to protect environmentally sensitive areas such as streams, slopes, wetlands, natural heritage areas, or critical areas.

§4–206.

(a) By local law, a legislative body may specify in a zoning law the allowable modifications that may be made by a variance.

(b) The modifications in a variance:

(1) may be only of density, bulk, dimensional, or area requirements of the zoning law;

(2) may be only allowed where, owing to conditions peculiar to the property and not because of any action taken by the applicant, a literal enforcement

of the zoning law would result in unnecessary hardship or practical difficulty as specified in the zoning law; and

(3) may not be contrary to the public interest.

§4–207.

(a) On application by a property owner, a legislative body may authorize how the uses allowed in a zoning classification are to be applied to a particular improved property by granting an adaptive reuse.

(b) Before granting an adaptive reuse, the legislative body shall make specific findings, supported by facts in the record, that:

(1) the change is consistent with the plan for the local jurisdiction;

(2) the change is in the public interest and provides a positive benefit to the community; and

(3) literal enforcement of the zoning classification would deprive the owner of all reasonable economically viable use of the property.

§4–208.

A legislative body shall provide for exceptions to the zoning law when necessary to bring an existing parking lot into compliance with the requirements for parking spaces for individuals with disabilities and the van–accessible parking ratio requirement of the Maryland Accessibility Code adopted under § 12–202 of the Public Safety Article.

§4–209.

(a) A legislative body may appoint full– and part–time hearing examiners that it considers necessary and appropriate.

(b) (1) A legislative body may delegate to a hearing examiner the power to conduct a public hearing under §§ 4–204 and 4–205 of this subtitle.

(2) A hearing shall be conducted under rules the legislative body adopts.

(c) A hearing examiner shall recuse himself or herself from participating in a matter in which the hearing examiner may have a conflict of interest or the appearance of a conflict of interest.

(d) A legislative body shall determine the term of office, required qualifications, and compensation of a hearing examiner employed by the local jurisdiction.

(e) A hearing examiner shall issue a written recommendation in the time, manner, and form required by the legislative body.

§4–210.

(a) In this section, "critical area" includes the areas designated as the Chesapeake Bay Critical Area and the Atlantic Coastal Bays Critical Area under § 8–1807 of the Natural Resources Article.

(b) This section does not apply in the critical area.

(c) For the purposes of issuing a permit or variance relating to zoning, construction, or stormwater for a project to install a solar panel, any calculation relating to the impervious surface of the project required by the State or local governing authority issuing the permit or variance may include only the foundation or base supporting the solar panel.

§4–211.

(a) In this section, "energy generating system" means an energy generating system:

(1) for which a certificate of public convenience and necessity is required by State law; or

(2) (i) for which a certificate of public convenience and necessity is not required by State law; and

(ii) that is not considered to be an accessory use under the zoning law of the local jurisdiction where the system is located.

(b) If the primary reason for a proposed amendment to change a zoning classification on a parcel of land is the existence of an energy generating system on that parcel of land or on a parcel of land that is adjacent to or in close proximity to that parcel of land, a legislative body may not grant an amendment to change the zoning classification based on a finding that there was:

(1) a substantial change in the character of the neighborhood where the property is located; or

(2) a mistake in the existing zoning classification.

§4–212.

(a) (1) In this section, "agritourism" means an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, or active involvement in the farm operation.

(2) "Agritourism" includes:

(i) farm tours;

(ii) hayrides;

(iii) corn mazes;

(iv) seasonal petting farms;

(v) farm museums;

(vi) guest farms;

(vii) pumpkin patches;

(viii) "pick your own" or "cut your own" produce;

(ix) camping;

(x) incidental outdoor stays;

(xi) classes related to agricultural products or skills; and

(xii) picnic and party facilities offered in conjunction with any agritourism activity.

(b) A local jurisdiction may adopt the definition of "agritourism" as defined in this section by local ordinance, resolution, law, or rule.

§4–213.

(a) (1) In this section, "alcohol production" means an activity that is:

(i) carried out by a license holder, as defined in § 1–101 of the Alcoholic Beverages and Cannabis Article; and

(ii) related to the manufacture, packaging, storage, promotion, or sale of alcoholic beverages.

(2) "Alcohol production" includes the use of an area to:

(i) provide tastings of alcoholic beverages; or

(ii) accommodate the license holder's customers.

(b) A local jurisdiction may adopt the definition of "alcohol production" as defined in this section by local ordinance, resolution, law, or rule.

§4–214.

(a) (1) In this section, "agricultural alcohol production" means an activity that:

(i) is carried out by a license holder, as defined in § 1–101 of the Alcoholic Beverages and Cannabis Article;

(ii) occurs on agricultural land; and

(iii) is related to the manufacture, packaging, storage, promotion, or sale of alcoholic beverages that use ingredients produced on the agricultural land or any associated agricultural land.

(2) "Agricultural alcohol production" includes the use of an area to:

(i) provide tastings of alcoholic beverages; or

(ii) accommodate the license holder's customers.

(b) A local jurisdiction may adopt the definition of "agricultural alcohol production" as defined in this section by local ordinance, resolution, law, or rule.

§4–215.

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

(2) "Integrated vegetation management" means:

(i) the use of a scientifically established combination of nonchemical methods for creating and maintaining a stable low–growing plant community, including manual, mechanical, or biological means of removal or suppression of any species that is not compatible with that plant community; and

(ii) when the methods under item (i) of this paragraph have been exhausted or have been scientifically demonstrated to be ineffective for pollinator–friendly habitats, the use of the least toxic chemical methods available used in a manner that minimizes the use of these chemical methods and the risks to native pollinators and other native wildlife, native plants, human health, and the environment.

(3) "Low–growing plant community" means a collection of plant species that typically appear growing together on landscapes where trees have been:

(i) removed; or

(ii) prevented from becoming established due to:

1. soil and moisture conditions;

2. natural physical disturbance;

3. animal herbivory; or

4. human activity.

(4) "Native plant" means a plant listed as native to the State:

(i) by the Maryland Biodiversity Project; or

(ii) in the Maryland Plant Atlas or "Vascular Plants of Maryland, USA: A Comprehensive Account of the State's Botanical Diversity", as revised.

(5) "Nonnative invasive plant" means a plant listed in the Center for Invasive Species and Ecosystem Health's Mid–Atlantic Invaders Tool.

(6) (i) "Pollinator–friendly vegetation management" means landscape management that:

1. creates habitats for native pollinators and other native wildlife and native plants that together form an interdependent natural community; and

2. provides food, water, cover, or sites for nesting.

(ii) "Pollinator–friendly vegetation management" includes:

1. employing no–mow methods, such as hand–cutting, pulling plants, and biocontrols to minimize disturbances to habitats;

2. employing rotational mowing cycles:

A. to promote the availability of standing vegetation and habitat; and

B. under which not more than half of a utility–designated pollinator area is mowed during a single fall and winter season;

3. using integrated vegetation management to maintain low–growing plant communities by controlling plant species, such as trees and nonnative invasive plants, in a manner that reduces the need to mow and minimizes the risk to native pollinators and other native wildlife, native plants, human health, and the environment; and

4. using scientifically accepted approaches for the protection of the State's rare, threatened, or endangered plant and wildlife species.

(7) "Public service company" has the meaning stated in § 1–101 of the Public Utilities Article.

(8) "Unreasonable limitation on pollinator–friendly vegetation management" includes a limitation that:

(i) significantly increases the cost of pollinator–friendly vegetation management;

(ii) significantly decreases the efficacy of pollinator–friendly vegetation management; or

(iii) requires cultivated vegetation to consist wholly or partly of turf grass.

(9) "Utility–designated pollinator area" means property, including any right–of–way or easement:

(i) that is maintained by a public service company;

(ii) for which the public service company has exclusive maintenance rights; and

(iii) that is voluntarily identified by the public service company as an area that will be maintained with pollinator–friendly vegetation management to support pollinators.

(b) This section:

(1) does not apply to a limitation imposed by a local jurisdiction on pollinator–friendly vegetation management performed or overseen by a public service company on its property, including a right–of–way or an easement, located on or below:

(i) a trail overlap;

(ii) a park overlap; or

(iii) active farmland; and

(2) may not be construed to:

(i) prohibit a local jurisdiction from imposing a land use restriction on the type, number, or location of pollinator–friendly vegetation management features that pertain to:

1. the safe and dependable delivery of energy products; or

2. human health and safety; or

(ii) limit or restrict mowing outside of a utility–designated pollinator area.

(c) A local jurisdiction may not impose any unreasonable limitation, including a land use restriction, on a utility–designated pollinator area maintained by a public service company, if:

(1) the utility–designated pollinator area is subject to a Candidate Conservation Agreement between the U.S. Fish and Wildlife Service and the public service company; or

(2) the public service company maintains and regularly tends to the utility–designated pollinator area by performing or overseeing pollinator–friendly vegetation management in accordance with subsection (d) of this section.

(d) A public service company that chooses to perform or oversee pollinator–friendly vegetation management in a utility–designated pollinator area shall, as part of its pollinator–friendly vegetation management, mow the utility–designated pollinator area:

(1) only from November 1 through March 31, inclusive, and not more than once every other year; or

(2) only from October 1 through April 30, inclusive, and not more than once every other year if the utility–designated pollinator area is located in the Appalachian Plateau province or the Ridge and Valley province as defined by the Maryland Geological Survey.

§4–216.

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

(2) "Family child care home" has the meaning stated in § 9.5–301 of the Education Article.

(3) "Large family child care home" has the meaning stated in § 9.5–301 of the Education Article.

(b) A local jurisdiction may not, by local ordinance, resolution, law, or rule, limit the number of children for which a family child care home or large family child care home provides family child care to below the number authorized by the State Department of Education.

§4–301.

(a) A legislative body shall provide for the appointment of a board of appeals.

(b) The legislative body may not serve as the board of appeals.

§4–302.

(a) A board of appeals consists of at least three members.

(b) A member of a board of appeals shall be appointed by the local executive and confirmed by the legislative body.

(c) The term of office of a member of a board of appeals is 3 years.

(d) (1) A member of a board of appeals may be removed by the local executive for:

(i) incompetence;

(ii) misconduct; or

(iii) in the same manner as for a member of a State board or commission:

1. failure to attend meetings under § 8–501 of the State Government Article; or

2. conviction of a crime in accordance with § 8–502 of the State Government Article.

(2) The local executive shall provide to the member:

(i) a written statement of charges stating the grounds for removal; and

(ii) an opportunity for a public hearing to contest the charges.

(e) The appointing authority shall appoint a new member to fill the unexpired term of any member who leaves a board of appeals.

(f) (1) A legislative body shall designate one or more alternate members for the board of appeals who may sit on the board when another member of the board is absent or recused.

(2) When an alternate member is absent or recused, the legislative body may designate a temporary alternate.

§4–303.

(a) (1) The meetings of a board of appeals shall be held at the call of the chair and at other times determined by the board.

(2) The chair of a board of appeals or the acting chair may administer oaths and compel the attendance of witnesses.

(3) All meetings of a board of appeals shall be open to the public.

(b) A member of a board of appeals may receive compensation that the legislative body considers appropriate.

§4–304.

(a) A board of appeals shall adopt rules in accordance with any local law adopted under this division.

(b) A member of a board of appeals shall recuse himself or herself from participating in a matter in which the member may have a conflict of interest or an appearance of a conflict of interest.

(c) (1) (i) A board of appeals shall make a recording of all proceedings with a contemporaneous written record showing the vote of each member on each question or the member's absence or failure to vote.

(ii) 1. A board of appeals shall immediately file the recording of its proceedings in the office of the board.

2. The recording shall be a public record.

(2) If a recording or a transcript of a recording is not prepared in the normal course of the board's proceedings, the party who requests a copy of the recording or its transcript shall pay the cost of preparing the recording or transcript.

§4–305.

A board of appeals may:

(1) hear and decide appeals when it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer or unit under this division or of any local law adopted under this division;

(2) hear and decide special exceptions to the terms of a local law on which the board is required to pass under the local law; and

(3) authorize on appeal in specific cases a variance from the terms of a local law.

§4–306.

(a) An appeal to the board of appeals may be filed by:

(1) a person aggrieved by a decision of the administrative officer or unit; or

(2) an officer or unit of the jurisdiction affected by a decision of the administrative officer or unit.

(b) A person shall file an appeal within a reasonable time provided by the rules of the board of appeals by filing with the administrative officer or unit from whose action the appeal is taken and with the board of appeals a notice of appeal specifying the grounds of the appeal.

(c) The administrative officer or unit from whose action the appeal is taken shall transmit promptly to the board all papers constituting the record of the action appealed.

(d) (1) Except as provided in paragraph (2) of this subsection, an appeal to a board of appeals stays all proceedings in furtherance of the action appealed.

(2) If an administrative officer or unit certifies to the board of appeals facts stated in the certificate that indicate to the administrative officer or unit that a stay would cause imminent peril to life or property, the board of appeals or the circuit court may stay the proceedings:

(i) only for good cause shown; and

(ii) through issuing a restraining order after notice is given to the administrative officer or unit.

(e) (1) A board of appeals shall:

(i) establish a reasonable time for the hearing of an appeal;

(ii) give public notice of the existence of the appeal and of the hearing;

(iii) give due notice to the parties in interest and to other persons entitled to notice under local law or the rules of the board of appeals; and

(iv) decide the appeal within a reasonable time.

(2) At a hearing, a party may:

(i) appear in person; or

(ii) be represented by an agent or attorney.

(f) (1) A board of appeals may, in conformity with this division:

(i) wholly or partly reverse the order, requirement, or decision that is the subject of the appeal;

(ii) wholly or partly affirm the order, requirement, or decision that is the subject of the appeal;

(iii) modify the order, requirement, or decision that is the subject of the appeal; or

(iv) issue a new order, requirement, or decision.

(2) The board of appeals shall have all the powers of the administrative officer or unit from whose action the appeal is taken.

§4–401.

(a) Any of the following persons may file a request for judicial review of a decision of a board of appeals or a zoning action of a legislative body by the circuit court of the county:

(1) a person aggrieved by the decision or action;

(2) a taxpayer; or

(3) an officer or unit of the local jurisdiction.

(b) The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules.

(c) This section does not change the existing standards for judicial review of a zoning action.

§4–402.

(a) Except as provided in subsection (b) of this section, the circuit court shall review the decision of a board of appeals or a hearing examiner under this subtitle on the record transmitted by the board of appeals or hearing examiner, and not de novo.

(b) (1) If, after a hearing, the circuit court determines that testimony is needed for the proper disposition of the matter, the court may take evidence or appoint a special magistrate to:

(i) take the required evidence; and

(ii) report the evidence to the court with the special magistrate's findings of fact and conclusions of law.

(2) The special magistrate's evidence, findings, and conclusions shall constitute a part of the proceedings on which the court shall make its determination.

§4–403.

The circuit court may not allow an award of costs against the board of appeals unless it appears to the court that the board, in making the decision that is the subject of the judicial review, acted:

(1) with gross negligence;

(2) in bad faith; or

(3) with malice.

§4–404.

All issues in any proceeding under this subtitle shall be scheduled and heard before all other civil actions and proceedings.

§4–405.

(a) After deciding a judicial review under this subtitle, the circuit court shall file a written order and opinion embodying the reasons for its decision.

(b) (1) A party may file an appeal of a judgment of the circuit court with the Appellate Court of Maryland during the period and in the manner required by the Maryland Rules.

(2) The Appellate Court of Maryland may award costs in any appeal to that court under this subsection.

§4–406.

(a) In addition to the judicial review provided under this subtitle, a legislative body may allow judicial review by the circuit court of any matter arising under the planning and zoning laws of the local jurisdiction.

(b) A judgment of the circuit court under this section may be appealed to the Appellate Court of Maryland.

§4–501.

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

(b) (1) "Accessory dwelling unit" means a secondary dwelling unit that is:

(i) on the same lot, parcel, or tract as a primary single–family detached dwelling unit; and

(ii) not greater than 75% of the size of and subordinate in use to the primary single–family detached dwelling unit.

(2) "Accessory dwelling unit" includes a structure that is:

(i) separate from the primary single–family detached dwelling unit; or

(ii) attached as an addition to the primary single–family detached dwelling unit.

(c) (1) "Dwelling unit" means a single unit providing complete living facilities for at least one individual, including, at a minimum, provisions for sanitation, cooking, eating, and sleeping.

(2) "Dwelling unit" does not include a unit in a multifamily residential building.

(d) "Utility" means water or sewer disposal services provided by:

(1) a private company regulated under Division I of the Public Utilities Article;

(2) the Washington Suburban Sanitary Commission regulated under Division II of the Public Utilities Article;

(3) a sanitary commission regulated under Title 9, Subtitle 6 of the Environment Article; or

(4) a municipal authority regulated under Title 9, Subtitle 7 of the Environment Article.

§4–502.

This subtitle applies only to the development of accessory dwelling units on land with a single–family detached dwelling unit as the primary dwelling unit.

§4–503.

(a) It is the policy of the State to promote and encourage the creation of accessory dwelling units on land with a single–family detached dwelling unit as the primary dwelling unit in order to meet the housing needs of the citizens of Maryland.

(b) (1) Except as provided in this subtitle and subject to paragraph (2) of this subsection, this subtitle does not alter or abrogate any zoning power or related authority granted to a local jurisdiction under this title.

(2) Local jurisdictions shall establish policies that further the intent of this subtitle.

§4–504.

(a) (1) On or before October 1, 2026, each legislative body shall adopt a local law authorizing the development of accessory dwelling units in accordance with this section.

(2) A legislative body may adopt a local law that:

(i) establishes standards for accessory dwelling unit safety; and

(ii) prohibits the full or partial conversion of an accessory structure as an accessory dwelling unit if the only vehicular access to the accessory structure is from an alley.

(b) A local law adopted under this section shall provide for construction of accessory dwelling units that meet public health, safety, and welfare standards, including relevant building codes and adequate public facilities provisions.

(c) A local law adopted under this section shall exclude the development of an accessory dwelling unit from the calculation of density and the application of any measures limiting residential growth that pertain to the lot, parcel, or tract proposed for the development of the accessory dwelling unit.

(d) A local law adopted under this section may not establish setback requirements that exceed the existing accessory structure setback requirements from the side and rear lot lines.

(e) (1) (i) A local law adopted under this section may establish additional off–street parking requirements that consider:

1. the cost to construct off–street parking spaces;

2. whether sufficient curb area exists along the front line of the property to accommodate on–street parking;

3. the increase in impervious surface due to the creation of new off–street parking and the relation to any applicable stormwater management plans; and

4. variability due to the size of the lot, parcel, or tract on which the accessory dwelling unit or primary dwelling is located.

(ii) A local law adopted under this paragraph shall provide for a waiver process from the parking requirements.

(2) Before adopting a local law under paragraph (1) of this subsection, a legislative body shall complete a parking study to determine the applicable needs and restrictions in the jurisdiction.

§5–101.

(a) Except as provided in subsection (b) of this section, the territorial jurisdiction of a planning commission over a subdivision is limited to land located in the local jurisdiction.

(b) In a local jurisdiction where a county has not adopted subdivision regulations, the territorial jurisdiction of a planning commission of a municipal

corporation may include all land located up to 1 mile beyond the corporate limits of the municipal corporation that is not located in any other municipal corporation.

§5–102.

(a) Before exercising subdivision powers under §§ 5–202 and 5–203 of this title, the planning commission shall recommend subdivision regulations to the legislative body.

(b) The subdivision regulations shall be for the health, safety, welfare, and common interest of the citizens of the local jurisdiction.

(c) The subdivision regulations may include provisions for the purposes of:

(1) adequately controlling shore erosion;

(2) controlling sediment and ensuring protection from flooding;

(3) arranging streets in relation to each other and to the comprehensive plan;

(4) adequately and conveniently placing public school sites and open spaces for traffic, utilities, access of fire–fighting apparatus, recreation, and access to light and air;

(5) properly managing growth and development;

(6) setting minimum lot widths and areas; and

(7) determining the extent to which the following actions shall be taken before the approval of a plat:

(i) the grading and improvement of streets and other ways;

(ii) the provision of soil erosion or sediment control; and

(iii) the installation of water, sewer, other utility mains, piping, or other facilities.

(d) (1) Subdivision regulations shall require that an appropriate easement be provided for any burial site located on the land.

(2) The easement shall be subject to the subdivision plat for entry to and exit from the burial site by an individual related by blood or marriage or a person in interest, as defined in § 14–121 of the Real Property Article.

(3) The existing right–of–way need not be extended for any improvements on the burial site.

§5–103.

(a) Before adoption of a subdivision regulation, the legislative body shall hold a public hearing on the subdivision regulation.

(b) The legislative body shall publish a notice of the public hearing at least once in a weekly or daily newspaper that circulates in the local jurisdiction.

(c) The notice shall contain:

(1) the text of the subdivision regulation or, at the discretion of the legislative body, a brief and accurate summary of the nature and contents of the subdivision regulation sufficient to inform an individual of ordinary intelligence of the nature and contents of the subdivision regulation; and

(2) the time and place of the public hearing.

(d) When the legislative body adopts a subdivision regulation, the legislative body shall file a certified copy of the subdivision regulation with the clerk of the circuit court in which the local jurisdiction is located for recording.

§5–104.

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

(2) "Community sewerage system" means a publicly or privately owned sewerage system that serves at least two lots.

(3) "Major subdivision" has the meaning stated in § 9–206 of the Environment Article.

(4) "On–site sewage disposal system" has the meaning stated in § 9–206 of the Environment Article.

(5) (i) "Planning board" means a planning board established under this article.

(ii) "Planning board" includes a planning commission or board established under Division II of this article or Title 10 of the Local Government Article.

(6) "Shared facility" has the meaning stated in § 9–206 of the Environment Article.

(b) This section applies only to a residential major subdivision in a Tier III area served by:

(1) on–site sewage disposal systems;

(2) a shared facility; or

(3) a community sewerage system.

(c) If a local jurisdiction establishes the growth tiers under Title 1, Subtitle 5 of this article, a residential major subdivision in a Tier III area may not be approved unless the planning board has reviewed and recommended the approval of the major subdivision in the Tier III area.

(d) (1) Before recommending the approval of a proposed major subdivision in a Tier III area, the planning board shall hold at least one public hearing.

(2) The planning board shall conduct the public hearing in accordance with its rules and procedures.

(e) The review of a residential major subdivision by the planning board shall include:

(1) the cost of providing local governmental services to the residential major subdivision unless a local jurisdiction's adequate public facilities law already requires a review of government services; and

(2) the potential environmental issues or a natural resources inventory related to the proposed residential major subdivision.

(f) The planning board shall recommend the proposed residential major subdivision by resolution of the planning board.

§5–105.

(a) After a planning commission begins to exercise control over subdivisions under this subtitle, the authority of the planning commission over plats shall be exclusive within the territory under its jurisdiction.

(b) Unless otherwise provided in this division, all statutory control over plats or subdivisions granted by other statutes shall be considered transferred to the planning commission of the local jurisdiction.

§5–201.

(a) (1) (i) Subject to paragraph (2) of this subsection, if an applicant has complied with all subdivision regulations, a planning commission shall approve or disapprove a final plat within 30 days after the applicant submits the final plat to the planning commission.

(ii) If the planning commission does not approve or disapprove the plat within 30 days, the plat shall be considered approved and the planning commission shall issue a certificate to that effect on demand.

(2) Notwithstanding paragraph (1) of this subsection, if the planning commission does not approve or disapprove the plat within 30 days, an applicant for approval of a final plat may waive this requirement and consent to an extension of the period for approval.

(3) If a final plat is disapproved, the planning commission shall state the grounds for the disapproval in the planning commission's records.

(b) (1) Each plat approved by the planning commission shall, through the approval, be considered:

(i) an amendment or a detail of the comprehensive plan; and

(ii) a part of the comprehensive plan.

(2) Approval of a plat does not constitute or effect an acceptance by the public of any street or other open space shown on the plat.

(3) A planning commission periodically may recommend to the legislative body amendments of the zoning law or map to conform to the planning commission's recommendations for the zoning regulation of the territory within approved subdivisions.

(c) (1) A planning commission may agree with an applicant on use, height, area, or bulk requirements or restrictions that are designed to promote the purposes of the zoning law of the local jurisdiction.

(2) (i) The requirements or restrictions shall be stated on the plat before the plat is approved and recorded.

(ii) The requirements or restrictions shall have the same force of law, shall be enforceable in the same manner and with the same sanctions and penalties, and shall be subject to the same power of amendment or repeal as though part of the zoning law or map of the local jurisdiction.

§5–202.

(a) This section applies only where a legislative body has:

(1) adopted the transportation element of the comprehensive plan of all or part of the territory within its subdivision jurisdiction; and

(2) filed a certified copy of the plan with the clerk of the circuit court of the county in which all or part of the territory is located.

(b) A plat of a subdivision within the territory or part may not be filed or recorded until:

(1) the planning commission approves the plat; and

(2) the chair or secretary of the planning commission indicates an approval in writing on the plat.

§5–203.

(a) A planning commission may authorize an administrative officer to approve subdivision plats and site plans under § 5–202 of this subtitle in accordance with nondiscretionary criteria adopted and specified by local law.

(b) The administrative officer shall approve a plat by indicating an approval in writing on the plat.

§5–204.

(a) A planning commission may provide in the subdivision regulations or practice for tentative approval of a plat before completion of improvements or installation of utilities.

(b) Tentative approval of a plat shall be revocable and may not be indicated on the plat.

(c) (1) Instead of requiring the completion of improvements and installation of utilities before the final approval of a plat, a planning commission may accept security approved by the local jurisdiction to secure the construction of improvements and installation of utilities.

(2) Forms of security accepted by a planning commission under paragraph (1) of this subsection:

(i) shall specify the time for completion and specifications set by or in accordance with the subdivision regulations of the planning commission;

(ii) may include a bond with surety, an irrevocable letter of credit, or any other form of security approved by the local jurisdiction; and

(iii) may be enforced by any appropriate legal or equitable remedy.

§5–301.

(a) (1) Except as otherwise provided in §§ 9–603, 9–806, 9–1004, 9–1605, and 9–1606 of this article, an owner or agent of an owner of land located within a subdivision may not transfer, sell, or agree to sell land by reference to, exhibition of, or other use of a plat of a subdivision before the plat has been:

(i) approved by the planning commission; and

(ii) recorded or filed in the office of the appropriate county clerk.

(2) A person who violates this subsection is subject to a civil penalty of not less than $200 and not exceeding $1,000 for each violation.

(3) Each lot or parcel transferred or sold or agreed to be sold in violation of this subsection is a separate violation.

(b) The description of a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring does not exempt the transaction from the penalties or remedies provided in this section.

(c) A local jurisdiction may seek to:

(1) enjoin the transfer, sale, or agreement in any circuit court; or

(2) recover the penalty by civil action in a court of competent jurisdiction.

§5–302.

(a) A clerk of the circuit court for the county in which the local jurisdiction is located may not record a subdivision plat unless the plat has been approved by the planning commission for the local jurisdiction in the manner required by law.

(b) A subdivision plat that is recorded without the required approval is limited to the legal effect of an unrecorded plat.

§5–401.

(a) A legislative body may authorize judicial review by the circuit court of any matter arising under this title.

(b) The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules.

(c) A judgment of the circuit court under this section may be appealed to the Appellate Court of Maryland.

§6–101.

After adopting the transportation element of a comprehensive plan, a planning commission periodically may:

(1) conduct surveys to locate street lines and any other part of the transportation element; and

(2) make a reservation plat of the area surveyed, showing the land that the planning commission recommends be reserved for future dedication or acquisition as public streets and any other part of the transportation element.

§6–102.

(a) On approval and adoption of a plat, streets located on the plat are reserved for future acquisition for public use.

(b) The approval and adoption of a plat does not constitute the establishment of a street or acquisition of any land to create a street, public use, or public improvement.

§6–103.

(a) Before adopting a plat, a planning commission shall hold a public hearing on the plat.

(b) At least 10 days before the public hearing, the planning commission shall publish a notice of the time and place of the hearing, with a general description of the area covered by the plat, in a newspaper of general circulation in the local jurisdiction in which the area is located.

§6–104.

(a) After the public hearing under § 6–103 of this subtitle, the planning commission may transmit the plat, as originally made or as amended by the planning commission, to the legislative body with the planning commission's estimate of the schedule by which the local jurisdiction should acquire the reserved land.

(b) After receiving the plat from the planning commission, the legislative body, by resolution, may:

(1) approve and adopt the plat;

(2) disapprove the plat;

(3) modify the plat with the approval of the planning commission; or

(4) adopt a modified plat, notwithstanding the prior disapproval of the modification by the planning commission, with a favorable vote of at least two–thirds of the entire membership of the legislative body.

(c) In the resolution adopting the plat, the legislative body shall establish the period for which land is to be reserved under § 6–102 of this subtitle.

(d) After the plat is adopted, the clerk of the legislative body shall:

(1) transmit one attested copy of the plat to the clerk of the circuit court of each county in which the platted land is located; and

(2) keep one copy of the plat for public examination.

§6–105.

(a) A planning commission may negotiate for or secure from the owner of reserved land:

(1) a release of claims for damages or compensation for the reservation of the land; or

(2) an agreement indemnifying the local jurisdiction from claims by others for damages or compensation.

(b) A negotiated release or agreement shall bind the landowner executing the release or agreement and the landowner's successors in title.

§6–106.

(a) At any time after the filing of a plat with the clerk of the circuit court of the county and during the period specified for the reservation, a planning commission and the owner of reserved land may agree to modify the location of the lines of a proposed street.

(b) An agreement to modify the location shall include a release by the landowner of any claim for compensation or damages caused by the modification.

(c) (1) After the release is executed, the planning commission may make a plat corresponding to the modification and transmit the plat to the legislative body for approval.

(2) If the legislative body approves the modified plat, the clerk of the legislative body shall transmit an attested copy of the modified plat to the clerk of the circuit court of the county in which the local jurisdiction is located.

(3) The modified plat shall supersede the original or prior plat.

§6–107.

The legislative body, by resolution, may abandon a reservation and certify the abandonment to the clerk of the circuit court of the county in which the local jurisdiction is located.

§6–201.

In this subtitle, "appellate board" means:

(1) the board of appeals of a local jurisdiction established under Title 4, Subtitle 3 of this article; or

(2) a special board of appeals created to consider appeals under this subtitle.

§6–202.

Except as otherwise provided in § 6–203 of this subtitle, after recording a reservation plat approved by a legislative body under Subtitle 1 of this title, a local jurisdiction may not issue a permit to develop any part of the land between the lines of a proposed street as platted.

§6–203.

(a) The appellate board of the local jurisdiction where a platted street is located may grant a permit to develop a platted street on an appeal filed by the owner of the land on which the street is located:

(1) after a hearing at which the parties in interest have an opportunity to be heard; and

(2) by a vote of a majority of the authorized membership of the appellate board.

(b) At least 15 days before the hearing required under subsection (a) of this section, the appellate board shall:

(1) mail to the appellant, at the address specified in the appeal petition, notice of the time and place of the hearing; and

(2) publish a notice of the hearing in a newspaper of general circulation in the local jurisdiction.

(c) (1) In order to grant a development permit, the appellate board shall find from the evidence and arguments presented on appeal that:

(i) the entire property of the appellant, of which the reserved street location forms a part, cannot yield a reasonable return to the owner unless the permit is granted; and

(ii) after balancing the interests of the local jurisdiction and the appellant, the permit is required by reasonable justice and equity.

(2) In balancing the interests of each party, the appellate board shall consider:

(i) the interest of the local jurisdiction in preserving the integrity of the street plat and comprehensive plan; and

(ii) the interest of the appellant in the use of the property and in the benefits of property ownership.

(d) If the appellate board grants a development permit, the appellate board:

(1) shall specify the exact location, ground area, height, and other details of the development; and

(2) may impose reasonable requirements benefiting the local jurisdiction as a condition of granting the permit.

§6–204.

(a) A public sewer or other public street utility or improvement may not be constructed in a street or highway until the street or highway is placed on the official map.

(b) A development permit may not be issued unless a street or highway giving access to the proposed development has been placed on the official map.

(c) (1) An applicant for a permit may appeal from a decision of the administrative officer in charge of issuing permits to an appellate board if:

(i) the enforcement of this section would entail exceptional difficulty or unwarranted hardship; and

(ii) the circumstances do not require the development to be related to existing or proposed streets or highways.

(2) In deciding an appeal under this subsection, the appellate board may make any reasonable exception and issue the permit subject to conditions that will protect any future street or highway layout.

(3) A decision rendered under this subsection shall be subject to judicial review in the same manner and subject to the same provisions of law as a decision of a board of appeals on zoning regulations under Title 4, Subtitle 4 of this article.

§7–101.

To encourage the preservation of natural resources or the provision of affordable housing and to facilitate orderly development and growth, a local jurisdiction that exercises authority granted by this division may enact, and is encouraged to enact, local laws providing for or requiring:

(1) the planning, staging, or provision of adequate public facilities and affordable housing;

(2) off–site improvements or the dedication of land for public facilities essential for a development;

(3) moderately priced dwelling unit programs;

(4) mixed use developments;

(5) cluster developments;

(6) planned unit developments;

(7) alternative subdivision requirements that:

(i) meet minimum performance standards set by the local jurisdiction; and

(ii) reduce infrastructure costs;

(8) floating zones;

(9) incentive zoning; and

(10) performance zoning.

§7–102.

Notwithstanding any other provision of law, a legislative body that exercises authority granted by this division may enact local laws providing for the transfer, with or without consideration, of real property belonging to the local jurisdiction to a public or private entity, to use in developing or preserving affordable housing.

§7–103.

The authority granted under this subtitle is not intended to limit a local jurisdiction's authority to:

(1) exercise any planning and zoning powers not expressly authorized under this subtitle; or

(2) adopt other methods to:

(i) facilitate orderly development and growth;

(ii) encourage the preservation of natural resources; or

(iii) provide affordable housing.

§7–104.

(a) In this section, "restriction" means a restriction, moratorium, or capacity limitation imposed on development as a result of a local law enacted under this subtitle.

(b) (1) If an adequate public facility law has resulted in a restriction within a priority funding area, on or before July 1 every 2 years, a local jurisdiction shall report on the restriction to the Department of Planning.

(2) The report shall include:

(i) the location of the restriction;

(ii) the type of infrastructure affected by the restriction;

(iii) the proposed resolution of the restriction, if available;

(iv) the estimated date for the resolution of the restriction, if available;

(v) if a restriction was lifted, the date the restriction was lifted;

(vi) the local law or resolution that lifted the restriction;

(vii) any waiver of the restriction that was proposed; and

(viii) any waiver of the restriction that was implemented.

(c) (1) On or before January 1 every 2 years, the Department of Planning shall prepare and publish a report on the statewide impacts of adequate public facility laws.

(2) The report shall include the identification of:

(i) geographic areas and facilities within priority funding areas that fail to meet local adequate public facility standards; and

(ii) improvements to facilities scheduled or proposed in the local jurisdiction's capital improvement program.

§7–105.

(a) Except as provided in subsection (c)(2) of this section, this section applies only to a local jurisdiction with at least 150,000 residents.

(b) On or before July 1 each year, each local jurisdiction subject to the requirements of this section shall report to the Department of Housing and Community Development and the Department of Planning the following information for each building or development permit application which includes a residential housing component as part of the development considered by the local jurisdiction during the immediately preceding calendar year:

(1) the total number of complete applications received by type;

(2) the total number of complete applications issued by type;

(3) the total number of complete applications rejected by type;

(4) the net total number of residential units approved;

(5) the mean and median processing times for permit applications and the standard deviation from the mean;

(6) the amount of time spent processing applications, including the time spent by agencies reviewing applications, by applicants making edits, and any public notice or comment time periods;

(7) any type of expedited permit application process that the local jurisdiction employed to accelerate residential housing development projects;

(8) the total number of residential housing development projects that benefited from an expedited permit application process in the local jurisdiction and which type of expedited process was used; and

(9) any other information the jurisdiction considers relevant.

(c) (1) Beginning January 1, 2027, and each quarter thereafter, each county subject to the requirements of this section shall report to the Department of Planning the following information for each building or development permit that includes a residential housing component as part of the development issued by the county during the immediately preceding quarter:

(i) the permit number;

(ii) the permit approval date;

(iii) the date on which the use and occupancy permit was issued;

(iv) the parcel tax identification number;

(v) the site address;

(vi) the housing type authorized under the permit;

(vii) the permit type;

(viii) the total number of residential units authorized under the permit;

(ix) a general description of the work authorized under the permit;

(x) the total cost of construction; and

(xi) any other information the jurisdiction considers relevant.

(2) Beginning January 1, 2027, and each quarter thereafter, each local municipality may report the information under paragraph (1) of this subsection to the Department of Planning for each building or development permit that includes a residential housing component as part of the development issued by the local municipality during the immediately preceding quarter.

(d) On or before July 1, 2027, and as the information becomes available thereafter, the Department of Planning shall publish the information reported by local jurisdictions under subsection (c) of this section for the immediately preceding fiscal year:

(1) on a public, interactive, and searchable website;

(2) by housing type, specifically labeled as single family, townhouses, apartments, duplexes, triplexes, or quadplexes;

(3) by the total built and existing housing supply, organized by housing type, in each county in the State; and

(4) by data source.

(e) (1) (i) Subject to paragraph (2) of this subsection, a local jurisdiction shall make the reports required under this section publicly available on its website.

(ii) An announcement posted to a local jurisdiction's website stating that a person should contact the relevant local department for access to the reports does not fulfill the requirements of subparagraph (i) of this paragraph.

(2) A local jurisdiction that does not maintain a website shall make the reports publicly available through any other reasonable method.

(3) To the extent practicable, a local jurisdiction may submit and transmit a report required under this section as part of another report required to be filed under this article.

(f) On or before December 31 each year, the Department of Planning shall submit a report on the building permit information collected under this section to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(g) The Department of Planning may adopt regulations to carry out this section.

§7–201.

A legislative body that exercises authority granted by this division may establish a program for the transfer of development rights to:

(1) encourage the preservation of natural resources; and

(2) facilitate orderly growth and development in the State in conjunction with programs for preservation of open space and agricultural land and other development management programs and techniques.

§7–202.

(a) In this section, "public facility" includes:

(1) recreational facilities;

(2) transportation facilities and transit–oriented development; and

(3) schools and educational facilities.

(b) A legislative body that exercises authority granted by this division may establish a program for the transfer of development rights within a priority funding area to assist a local jurisdiction in the acquisition of land for the construction of a public facility within a priority funding area.

(c) (1) Except as provided in paragraph (2) of this subsection, proceeds of the sale of development rights shall be used to assist in:

(i) the acquisition of the public site; or

(ii) the construction of the public facility.

(2) For schools and educational facilities, proceeds of the sale of development rights may only be used to assist in the acquisition of the land on which the school or educational facility will be located.

(d) (1) Any development rights sold under this section may only be transferred within a priority funding area.

(2) Development rights associated with existing public land that is owned by a local jurisdiction on October 1, 2009, may not be sold or transferred under this section.

§7–301.

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

(b) "Development rights and responsibilities agreement" or "agreement" means an agreement between a local governing body and a person having a legal or

equitable interest in real property to establish conditions under which development may proceed for a specified time.

(c) "Local governing body" means the legislative body, the local executive, or other elected governmental body that has zoning powers under this division.

(d) "Public principal" means the governmental entity of a local jurisdiction that has been granted the authority to enter agreements under § 7–302(a) of this subtitle.

§7–302.

(a) Subject to §§ 7–303 through 7–305 of this subtitle, the local governing body of a local jurisdiction may:

(1) by local law, establish procedures and requirements for the consideration and execution of agreements; and

(2) delegate all or part of the authority established under the local law to a public principal within the jurisdiction of the local governing body.

(b) The public principal may:

(1) execute agreements for real property located within the jurisdiction of the local governing body with a person having a legal or equitable interest in the real property, including property that is the subject of annexation of land to a municipal corporation; and

(2) include a federal, State, or local government or unit as an additional party to the agreement.

§7–303.

(a) A development rights and responsibilities agreement shall include:

(1) a legal description of the real property subject to the agreement;

(2) the names of the persons having a legal or equitable interest in the real property subject to the agreement;

(3) the duration of the agreement;

(4) the permissible uses of the real property;

(5) the density or intensity of use of the real property;

(6) the maximum height and size of structures to be located on the real property;

(7) a description of the permits required or already approved for the development of the real property;

(8) a statement that the proposed development is consistent with the comprehensive plan and development regulations of the local jurisdiction;

(9) a description of the conditions, terms, restrictions, or other requirements determined by the local governing body of the local jurisdiction to be necessary to ensure the public health, safety, or welfare; and

(10) to the extent applicable, provisions for the:

(i) dedication of a portion of the real property for public use;

(ii) protection of sensitive areas;

(iii) preservation and restoration of historic structures; and

(iv) construction or financing of public facilities.

(b) An agreement may:

(1) set the time frame and terms for development and construction on the real property; and

(2) provide for other matters consistent with this division.

§7–304.

(a) Except as provided in subsection (b) of this section, the local laws, rules, regulations, and policies governing the use, density, or intensity of the real property subject to an agreement shall be the local laws, rules, regulations, and policies in force at the time the parties execute the agreement.

(b) If the local jurisdiction determines that compliance with local laws, rules, regulations, and policies enacted or adopted after the effective date of an agreement is essential to ensure the public health, safety, or welfare, an agreement may not prevent a local government from requiring a person to comply with those local laws, rules, regulations, and policies.

§7–305.

(a) Before entering into an agreement, a person having a legal or equitable interest in real property or the person's representative shall petition the public principal of the local jurisdiction in which the property is located.

(b) (1) After receiving a petition and before entering into an agreement, the public principal shall conduct a public hearing.

(2) A public hearing that is required for approval of the development satisfies the public hearing requirement.

(c) The public principal of a local jurisdiction may not enter into an agreement unless the planning commission of the local jurisdiction determines whether the proposed agreement is consistent with the comprehensive plan of the local jurisdiction.

(d) (1) If an agreement is not recorded in the land records of the local jurisdiction within 20 days after the date on which the parties execute the agreement, the agreement is void.

(2) The parties to an agreement and their successors in interest are bound to the agreement after the agreement is recorded.

(e) An agreement shall be void 5 years after the date on which the parties execute the agreement unless:

(1) otherwise established under § 7–303 of this subtitle; or

(2) extended by amendment under subsection (f) of this section.

(f) (1) Subject to paragraph (2) of this subsection and after a public hearing, the parties to an agreement may amend the agreement by mutual consent.

(2) Unless the planning commission of the local jurisdiction determines whether the proposed amendment is consistent with the comprehensive plan of the local jurisdiction, the parties may not amend an agreement.

(g) (1) The parties to an agreement may terminate the agreement by mutual consent.

(2) If the public principal or the local governing body determines that suspension or termination is essential to ensure the public health, safety, or welfare,

the public principal or the local governing body may suspend or terminate an agreement after a public hearing.

(h) Unless the agreement is terminated under subsection (g) of this section, the parties to an agreement or their successors in interest may enforce the agreement.

§7–306.

This subtitle does not require the adoption of a local law by a local governing body or authorize a local governing body to require a party to enter into an agreement.

§7–401.

(a) To promote the creation of housing that is affordable by individuals and families with low or moderate incomes, a legislative body that exercises authority under this division may enact local laws:

(1) imposing inclusionary zoning, and awarding density bonuses, to create affordable housing units; and

(2) restricting the use, cost, and resale of housing that is created under this subtitle to ensure that the purposes of this subtitle are carried out.

(b) The authority granted under this subtitle is in addition to any other zoning and planning powers.

§7–501.

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

(b) "Affordable" means that housing costs do not exceed 30% of a household's income.

(c) "Affordable dwelling unit" means a dwelling unit that is affordable to households earning 60% or less of the area median income.

(d) "Area median income" means the median household income for the area adjusted for household size as published and annually updated by the U.S. Department of Housing and Urban Development.

(e) "Board of appeals" means a board of appeals established under Title 4, Subtitle 3 of this article.

(f) "Cottage cluster" means a grouping of not fewer than four detached housing units per acre that:

(1) have a footprint of less than 900 square feet each; and

(2) include a common courtyard.

(g) "Historic district commission" or "historic preservation commission" means a commission established under Title 8, Subtitle 2 of this article.

(h) "Middle housing" means:

(1) duplexes;

(2) triplexes;

(3) quadplexes;

(4) cottage clusters; or

(5) town houses.

(i) (1) "Mixed–use" means any combination of a residential use with a recreational, office, dining, or retail use.

(2) "Mixed–use" does not mean any combination of a residential use with an industrial or hazardous use.

(j) "Permit" means a building permit or other permit issued in writing, as required by a local jurisdiction, to authorize the start of predevelopment or construction activities to construct, alter, demolish, or relocate an existing or new structure.

(k) "Planning commission" includes a planning commission or board established under:

(1) Title 2 of this article;

(2) Division II of this article; or

(3) Title 10 of the Local Government Article.

(l) "Town house" means a complex of dwelling units constructed in a row of three or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent dwelling unit.

(m) "Unreasonable limitation or requirement" includes any limitation or requirement that amounts to a de facto denial by having a substantial adverse impact on:

(1) the viability of an affordable housing development in a qualified project;

(2) the degree of affordability of affordable dwelling units in a qualified project; or

(3) the allowable density or number of units of the qualified project.

§7–502.

(a) In this section, "qualified project" means a residential project that:

(1) consists of new construction or substantial renovation, as annually established and identified by the Department of Housing and Community Development in the Multifamily Rental Financing Program Guide;

(2) is on property that:

(i) 1. was formerly owned by the State;

2. consists of more than one building;

3. includes at least one building that was built more than 50 years before the date of application for the project; and

4. is appropriate for redevelopment as determined by the Secretary of Housing and Community Development; or

(ii) 1. is currently or was formerly owned by the federal government;

2. is greater than 80 acres in size; and

3. was the site of a former U.S. military reservation;

(3) contains at least 25% of units that are affordable dwelling units; and

(4) is deed–restricted to include 25% of units that are affordable dwelling units for a period of at least 40 years.

(b) (1) In accordance with this subsection, a local jurisdiction shall allow the density of a qualified project to exceed the density otherwise authorized in a district or zone.

(2) In an area zoned for single–family residential use, a qualified project may include middle housing units.

(3) In an area zoned for multifamily residential use, a qualified project:

(i) shall have a density limit that exceeds by 30% the allowable density in that zone for uses that are not part of a qualified project; and

(ii) may consist of mixed–use.

(4) Subject to § 7–509 of this subtitle, a qualified project may consist of mixed–use development with density limits that do not exceed the highest allowable density in the local jurisdiction's multifamily residential zones:

(i) in an area zoned for nonresidential use; or

(ii) on land that:

1. is currently or was formerly owned by the federal government;

2. is more than 80 acres in size; and

3. was the site of a former U.S. military reservation.

(5) In an area zoned for mixed–use, a qualified project may consist of residential development with density limits that do not exceed the greater of the following:

(i) the highest allowable density in the local jurisdiction's residential zones; or

(ii) six units per gross acre.

(6) If a qualified project is allowed to exceed the density otherwise authorized by a local jurisdiction in a district or zone under this section, the qualified project may not also exceed the authorized density under § 7–503 or § 7–504 of this subtitle.

§7–503.

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

(2) "Qualified project" means a residential project that:

(i) consists of new construction or substantial renovation;

(ii) is on property that is located within three–quarters of a mile of a rail station located in the State;

(iii) except as provided in item (iv) of this paragraph:

1. contains at least 15% of units that are affordable dwelling units; and

2. is deed–restricted to include 15% of units that are affordable dwelling units for a period of at least 40 years; and

(iv) in a county or municipality that, on or before December 31, 2024, has requirements equal to or exceeding the requirements under item (iii) of this paragraph:

1. contains at least 20% of units that are affordable dwelling units; and

2. is deed–restricted to include 20% of units that are affordable dwelling units for a period of at least 40 years.

(3) "Rail station" means a present or planned:

(i) MARC station along the Penn, Camden, or Brunswick lines;

(ii) Baltimore Metro SubwayLink station;

(iii) Baltimore Light RailLink station;

(iv) Metrorail system station in the State; or

(v) any other passenger rail station.

(b) This section does not apply to:

(1) a property located within three–fourths of a mile of a rail station in the State if:

(i) the rail station is located on the campus of an institution of higher education as defined in § 10–101 of the Education Article; or

(ii) only a portion of the property is located within the three–fourths of a mile of the rail station; or

(2) an area zoned for single–family residential use:

(i) on January 1, 2024; and

(ii) during any process to increase allowable density under subsection (c) of this section.

(c) (1) In accordance with this subsection, a local jurisdiction shall allow the density of a qualified project to exceed the density otherwise authorized in a district or zone.

(2) In an area zoned for single–family residential use, a qualified project may include middle housing units.

(3) In an area zoned for multifamily residential use, a qualified project:

(i) shall have a density limit that exceeds by 30% the allowable density in that zone for uses that are not part of a qualified project; and

(ii) may consist of mixed–use.

(4) Subject to § 7–509 of this subtitle, in an area zoned for nonresidential use, a qualified project may consist of mixed–use, with density limits that do not exceed the highest allowable density in the local jurisdiction's multifamily residential zones.

(5) In an area zoned for mixed–use, a qualified project may include 30% more housing units than are allowed in that zone for uses that are not part of a qualified project.

(6) If a qualified project is allowed to exceed the density otherwise authorized by a local jurisdiction in a district or zone under this section, the qualified project may not also exceed the authorized density under § 7–502 or § 7–504 of this subtitle.

§7–504.

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

(2) "Controlled by" means a business structure in which a nonprofit organization is a managing member, general partner, or otherwise controlling entity with a for–profit member or partner as demonstrated by an attorney licensed in the State.

(3) "Nonprofit organization" means an organization that is qualified as tax–exempt under § 501(c)(3) of the Internal Revenue Code and has been designated as such for at least 3 years.

(4) "Qualified project" means a residential project that:

(i) consists of new construction or substantial renovation;

(ii) is on land, including land that is subject to a ground lease, that:

1. is wholly owned by a nonprofit organization; or

2. includes improvements owned by an entity that is controlled by a nonprofit organization;

(iii) contains at least 25% of units that are affordable dwelling units; and

(iv) is deed–restricted to include 25% of units that are affordable dwelling units for a period of at least 40 years.

(b) (1) In accordance with this subsection, a local jurisdiction shall allow the density of a qualified project to exceed the density otherwise authorized in a district or zone.

(2) In an area zoned for single–family residential use, a qualified project may include middle housing units.

(3) In an area zoned for multifamily residential use, a qualified project:

(i) shall have a density limit that exceeds by 30% the allowable density in that zone for uses that are not part of a qualified project; and

(ii) may consist of mixed–use.

(4) Subject to § 7–509 of this subtitle, in an area zoned for nonresidential use, a qualified project may consist of mixed–use development with density limits that do not exceed the highest allowable density in the local jurisdiction's multifamily residential zones.

(5) In an area zoned for mixed–use, a qualified project may include 30% more housing units than are allowed in that zone for uses that are not part of a qualified project.

(6) If a qualified project is allowed to exceed the density otherwise authorized by a local jurisdiction in a district or zone under this section, the qualified project may not also exceed the authorized density under § 7–502 or § 7–503 of this subtitle.

§7–505.

A local jurisdiction may not impose any unreasonable limitation or requirements on a qualified project under this subtitle, including limitations on or requirements concerning:

(1) height;

(2) setback;

(3) bulk;

(4) parking;

(5) loading, dimensional, or area; or

(6) similar requirements.

§7–506.

(a) Except as otherwise provided or required by State law, a local government may not require that a qualified project under this subtitle be reviewed at more than two public hearings before each of the following:

(1) the local governing body; and

(2) the planning commission.

(b) Except as otherwise provided or required by State law, a local government may not require that a qualified project under this subtitle be reviewed at more than one public hearing before each of the following:

(1) a historic district commission or historic preservation commission; and

(2) the board of appeals.

§7–507.

The increased density limits under §§ 7–502 through 7–504 of this subtitle are in addition to increased density that is allowed or required by a local jurisdiction.

§7–508.

Under this subtitle, the density of a qualified project may not exceed the density otherwise authorized in a district or zone located on:

(1) agricultural land, as defined in § 9–206 of the Tax – Property Article; or

(2) conservation property, as defined in § 8–209.1 of the Tax – Property Article.

§7–509.

(a) (1) Before a qualified project is authorized to exceed the density in an area zoned for nonresidential use under § 7–502(b)(4), § 7–503(c)(4), or § 7–504(b)(4) of this subtitle, the entity responsible for the qualified project shall:

(i) conduct a public health impact assessment; and

(ii) receive approval of the public health impact assessment from the Department of Housing and Community Development.

(2) A public health impact assessment under this subsection shall evaluate potential public health impacts associated with the proximity of the qualified project to any health hazards within the area zoned for nonresidential use.

(b) The Department of Housing and Community Development may not approve a public health impact assessment submitted under this section if the assessment shows that residential use in the nonresidential zone would present a substantial risk to the health and safety of the residents.

(c) The Department of Housing and Community Development shall adopt regulations to carry out the provisions of this section.

§8–101.

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

(b) "Appurtenance and environmental setting" includes:

(1) paved or unpaved walkways and driveways;

(2) trees;

(3) landscaping;

(4) pastures;

(5) croplands;

(6) waterways; and

(7) rocks.

(c) "Commission" includes a historic district commission or a historic preservation commission.

(d) "Demolition" includes any willful neglect in the maintenance and repair of a structure, other than the appurtenance and environmental setting of the structure, that:

(1) is not due to a financial inability to maintain and repair the structure; and

(2) threatens to result in a substantial deterioration of the exterior features of the structure.

(e) "District" means a significant concentration, linkage, or continuity of sites, structures, or objects united historically or aesthetically by plan or development.

(f) "Person" includes a unit of local government.

(g) "Routine maintenance" means work that:

(1) does not alter the exterior fabric or features of a site or structure; and

(2) has no material effect on the historical, archaeological, or architectural significance of the site or structure.

(h) "Site" means the location of:

(1) an event of historic significance; or

(2) a structure or ruin that possesses historic, archaeological, or cultural significance.

(i) (1) "Structure" means a combination of material to form a construction that is stable.

(2) "Structure" includes:

(i) a building;

(ii) a stadium;

(iii) a reviewing stand;

(iv) a platform;

(v) staging;

(vi) an observation tower;

(vii) a radio tower;

(viii) a water tank or tower;

(ix) a trestle;

(x) a bridge;

(xi) a pier;

(xii) paving;

(xiii) a bulkhead;

(xiv) a wharf;

(xv) a shed;

(xvi) a coal bin;

(xvii) a shelter;

(xviii) a fence;

(xix) a display sign that is visible or intended to be visible from a public way; and

(xx) a part of a structure.

§8–102.

It is a public purpose in the State to preserve sites, structures, and districts of historical, archaeological, or architectural significance and their appurtenances and environmental settings.

§8–103.

(a) The preservation of a designated structure under this title includes preservation of an associated:

(1) natural land formation; and

(2) appurtenance and environmental setting.

(b) This title may not be construed to prevent routine maintenance, customary farming operations, or landscaping that does not have a material effect on

the historic, archaeological, or architectural significance of a designated site, structure, or district.

§8–104.

(a) The legislative body of each local jurisdiction, by local law, may regulate:

(1) the construction, reconstruction, alteration, moving, and demolition of sites or structures of historical, archaeological, or architectural significance;

(2) the construction, reconstruction, alteration, moving, and demolition of sites and structures within districts; and

(3) the appurtenances and environmental settings of sites and structures within the limits of the local jurisdiction.

(b) The purpose of a local law adopted under this section is to:

(1) safeguard the heritage of the local jurisdiction by preserving sites, structures, or districts that reflect elements of cultural, social, economic, political, archaeological, or architectural history;

(2) stabilize and improve the property values of those sites, structures, or districts;

(3) foster civic beauty;

(4) strengthen the local economy; and

(5) promote the preservation and appreciation of those sites, structures, and districts for the education and welfare of the residents of each local jurisdiction.

§8–105.

For the purposes of this title, each local jurisdiction may designate boundaries for sites, structures, and districts that are considered to be of historic, archaeological, or architectural significance, by following the procedures of the local jurisdiction for establishing or changing zoning districts and classifications.

§8–201.

A local jurisdiction may create a historic district commission or a historic preservation commission.

§8–202.

(a) (1) A commission shall consist of at least five members.

(2) A majority of the members of a commission shall be residents of the local jurisdiction that created the commission.

(b) (1) Each member of a commission shall have a demonstrated special interest, specific knowledge, or professional or academic training in:

(i) history;

(ii) architecture;

(iii) architectural history;

(iv) planning;

(v) archaeology;

(vi) anthropology;

(vii) curation;

(viii) conservation;

(ix) landscape architecture;

(x) historic preservation;

(xi) urban design; or

(xii) a related discipline.

(2) A local jurisdiction that creates a commission may establish and publicly adopt additional qualifications for a member of the commission.

(c) (1) The term of a member of a commission is 3 years.

(2) The terms of the members shall be staggered.

(3) A member is eligible for reappointment.

(4) The appointing authority shall fill any vacancy on a commission for the unexpired term of the vacant position.

(d) (1) A member of a commission may be removed by the appointing authority for:

(i) incompetence;

(ii) misconduct; or

(iii) in the same manner as for a member of a State board or commission:

1. failure to attend meetings under § 8–501 of the State Government Article; or

2. conviction of a crime in accordance with § 8–502 of the State Government Article.

(2) The appointing authority shall provide to the member:

(i) a written statement of charges stating the grounds for removal; and

(ii) an opportunity for a public hearing to contest the charges.

(e) (1) Each local jurisdiction may designate one alternate member for the commission who may sit on the commission when any other member of the commission is absent.

(2) When the alternate member is absent, the local jurisdiction may designate a temporary alternate.

§8–203.

(a) A commission shall adopt rules and regulations necessary for the conduct of its business.

(b) An interested person or representative of an interested person may appear and be heard at a public hearing that a commission conducts.

§8–204.

Subject to any requirements of the local jurisdiction that relate to the acceptance and use of gifts by public officials, a commission may accept and use gifts as needed to perform its duties.

§8–205.

(a) (1) Subject to any requirements of the local jurisdiction that relate to the acquisition of easements, a commission may acquire easements in connection with individual sites or structures, or with sites or structures located in or adjacent to a locally designated historic district.

(2) An easement acquired by a commission may grant to the commission, the residents of the historic district, and the public the right to ensure that any site, structure, or surrounding property on which the easement is applied is protected in perpetuity from changes that would affect the historic, archaeological, or architectural significance of the site, structure, or surrounding property.

(b) (1) A commission may designate the Maryland Historical Trust to analyze and make recommendations on the preservation of sites, structures, or districts of historic, archaeological, architectural, or cultural significance within the area the commission serves.

(2) The recommendations of the Maryland Historical Trust may include:

(i) proposed boundaries for sites, structures, and districts; and

(ii) the identification and designation of the sites, structures, and districts to be preserved.

§8–301.

(a) A local jurisdiction shall adopt guidelines for rehabilitation and new construction design for designated sites, structures, and districts that are consistent with those generally recognized by the Maryland Historical Trust.

(b) The guidelines adopted under this section may include:

(1) design characteristics intended to meet the needs of particular types of sites, structures, and districts; and

(2) identification of categories of changes that are so minimal in nature that they do not:

(i) affect historic, archaeological, or architectural significance; and

(ii) require review by a commission.

§8–302.

(a) A person shall file an application with the commission before constructing, reconstructing, altering, moving, or demolishing a site or structure located within a locally designated district if any exterior changes are involved that would affect the historic, archaeological, or architectural significance of the site or structure, any portion of which is visible or intended to be visible from a public way.

(b) (1) An application filed under subsection (a) of this section shall be considered and approved or rejected by the commission.

(2) The commission may reject an application based only on the considerations listed in § 8–303(a) of this subtitle.

(c) An applicant may not resubmit an application that is identical to a rejected application for 1 year after the rejection.

(d) A local jurisdiction may not grant a permit for a change to a locally designated site or structure, or to a site or structure located in a locally designated district, until the commission has acted on the application in accordance with § 8–303(a) of this subtitle.

§8–303.

(a) In reviewing an application, a commission shall:

(1) use the guidelines adopted under § 8–301 of this subtitle; and

(2) consider:

(i) the historic, archaeological, or architectural significance of the site or structure and its relationship to the historic, archaeological, or architectural significance of the surrounding area;

(ii) the relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area;

(iii) the general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used; and

(iv) any other factors, including aesthetics, that the commission considers pertinent.

(b) A commission shall consider only the exterior features of a structure.

§8–304.

(a) A commission shall strictly judge plans for sites or structures determined by research to be of historic, archaeological, or architectural significance.

(b) Unless the plans would seriously impair the historic, archaeological, or architectural significance of the surrounding site or structure, a commission may not strictly judge plans:

(1) for a site or structure of little historic, archaeological, or architectural significance; or

(2) involving new construction.

(c) A commission is not required to limit construction, reconstruction, or alteration to the architectural style of any one period.

§8–305.

(a) A commission shall attempt, with the owner of a site or structure, to formulate an economically feasible plan to preserve the site or structure if:

(1) an application is submitted for construction, reconstruction, or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure; and

(2) the commission considers preservation of the site or structure to be of unusual importance to the local jurisdiction, the State, or the nation.

(b) Unless the commission is satisfied that the proposed construction, reconstruction, or alteration will not materially impair the historic, archaeological, or architectural significance of the site or structure, the commission shall:

(1) reject the application; and

(2) file a copy of its rejection with the building inspector of the local jurisdiction.

(c) The commission shall have 90 days after the date on which the commission concludes that an economically feasible plan cannot be formulated under this section to negotiate with the owner and other parties to find a means of preserving the site or structure.

(d) If a site or structure is considered to be valuable for its historic, archaeological, or architectural significance, a commission may approve proposed construction, reconstruction, alteration, moving, or demolition, despite the fact that the changes come within the provisions of this section if:

(1) the site or structure is a deterrent to a major improvement program that will be of substantial benefit to the local jurisdiction; or

(2) the retention of the site or structure would:

(i) cause undue financial hardship to the owner; or

(ii) not be in the best interests of a majority of persons in the community.

§8–306.

(a) (1) A commission shall file with the building inspector of the local jurisdiction a certificate of the commission's approval, approval with conditions, or modification, or written notice of rejection of an application or plan submitted to the commission for review.

(2) An applicant may not begin work on a project submitted to the commission for review until the commission has filed the certificate of approval, approval with conditions, or modification with the building inspector.

(3) The building inspector may not issue a building permit for a change or construction submitted to the commission for review until the building inspector has received the certificate of approval, approval with conditions, or modification from the commission.

(b) If there is no building inspector in the local jurisdiction:

(1) a commission shall issue a certificate of the commission's approval, approval with conditions, or modification, or a written notice of rejection,

to the owner, lessee, or tenant of the property that is the subject of the application or plan; and

(2) the owner, lessee, or tenant may not begin the proposed work or change until the commission has issued the certificate of approval, approval with conditions, or modification.

§8–307.

If a commission fails to act on a completed application within 45 days after the date when the completed application was filed, the application shall be considered approved unless:

(1) the applicant and the commission agree to an extension of the 45–day period; or

(2) the application is withdrawn.

§8–308.

Any person aggrieved by a decision of a commission may appeal the decision in the manner provided for an appeal from the decision of the planning commission of the local jurisdiction.

§8–401.

(a) (1) Each local jurisdiction in which a district is designated may enact local laws requiring that:

(i) utility companies relocate existing overhead lines and facilities underground within the defined part of the district or the entire district; and

(ii) if necessary, private owners who receive service from the relocated lines and facilities place any connection underground.

(2) A local law enacted under this section shall:

(i) require that the estimated cost to property owners for work performed on private property be determined and made available to affected property owners;

(ii) provide financing for these costs to private owners, including financing for any charges for the amortization of bonds issued to initially cover private costs; and

(iii) include any other provisions reasonably related to placing overhead lines and facilities underground and administering underground relocation projects.

(b) (1) Except as otherwise provided in this section, the Public Service Commission shall:

(i) determine the amount of the monthly surcharge required to support the net capital costs of an underground relocation and determine which customers of the applicable utility are subject to the surcharge;

(ii) include the related net capital costs in the rate base; or

(iii) adopt any other method to appropriately apportion the costs.

(2) A utility may not be required to pay more than one–half of the net capital costs of an underground relocation.

(c) A local jurisdiction may appropriate money for underground relocation projects from any federal, State, and local funds the local jurisdiction receives for that purpose.

(d) (1) In implementing subsection (a)(2)(ii) of this section, the local jurisdiction may enter into an agreement with individual property owners under which the local jurisdiction agrees to advance funds to cover the property owners' costs for the relocation of the overhead lines and facilities.

(2) (i) The local jurisdiction may appropriate money, impose taxes, or borrow money to pay and advance the costs of an underground relocation.

(ii) In order to recapture expended costs, the local jurisdiction may:

1. impose a benefit assessment against property in the district on behalf of which the utility is relocated underground; and

2. provide for the collection of the assessment.

§8–501.

A commission may request that the appropriate enforcement authority of the local jurisdiction seek any of the remedies and penalties provided by law for any violation of a local law adopted under this title.

§9–101.

This subtitle applies to Allegany County.

§9–102.

(a) The planning commission may consist of nine members.

(b) (1) The term of a member of the planning commission is 5 years.

(2) The terms of two of the members of the planning commission shall be staggered.

(3) At the end of a term, a member of the planning commission continues to serve until a successor is appointed and qualifies.

§9–301.

This subtitle applies to Baltimore County.

§9–302.

(a) In addition to the jurisdiction granted in Title 11, Subtitle 2 of this article, the legislative body of Baltimore County may provide by local law for an administrative proceeding to enforce its zoning regulations.

(b) The local law may include the authority to impose civil fines and penalties for zoning violations.

§9–601.

This subtitle applies to Carroll County.

§9–602.

(a) The county commissioners may appoint one of the members of the board of county commissioners to the planning commission.

(b) (1) The county commissioners shall designate one alternate member of the planning commission who may sit on the planning commission in the absence of a member of the planning commission.

(2) When the alternate is absent, the county commissioners may designate a temporary alternate.

§9–603.

If a plat is approved and recorded in accordance with this division before the transfer of the property, § 5–301 of this article does not apply to a contract for sale or negotiation for sale of property zoned industrial, commercial, or both industrial and commercial.

§9–604.

(a) If the county commissioners abate a violation of a zoning law, the county commissioners may assess against the property the reasonable costs of the abatement.

(b) (1) The assessment shall be:

(i) added to the annual tax bill of the property to be collected in the same manner as ordinary taxes are collected; and

(ii) subject to the same interest and penalty for nonpayment as provided by law for the nonpayment of county taxes.

(2) The assessment is a lien against the property from the date of assessment until paid.

(c) (1) A property owner aggrieved by the assessment may petition the county commissioners for relief.

(2) Within 30 days after receiving a petition, the county commissioners shall conduct a hearing to determine the propriety and reasonableness of the assessment.

(3) At the hearing, the petitioner shall have the burden of showing good cause as to why the assessment should not be made.

§9–701.

This subtitle applies to Cecil County.

§9–702.

(a) The planning commission consists of six regular members and one alternate member.

(b) (1) The term of a member of the planning commission is 3 years.

(2) The terms of the members of the planning commission shall be staggered.

(3) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(4) An ex officio member serves a term concurrent with the member's term of office.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§9–703.

(a) (1) The board of county commissioners shall appoint a director of planning and zoning for the county.

(2) The director shall serve at the pleasure of the county commissioners.

(b) The planning commission may not appoint a director of planning and zoning.

§9–704.

(a) Notwithstanding § 4–302 of this article, the board of appeals consists of five regular members and one alternate member.

(b) (1) The term of a member of the board of appeals is 3 years.

(2) The terms of the members of the board of appeals shall be staggered.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

§9–801.

This subtitle applies to Charles County.

§9–802.

(a) (1) The planning commission consists of seven members who shall represent as many different geographical areas of the county as is possible.

(2) A member of the county commissioners may not sit on the planning commission.

(b) (1) The term of a member of the planning commission is 4 years.

(2) The terms of the members of the planning commission shall be staggered.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(c) Each year, the county commissioners shall appoint the chair of the planning commission.

(d) Each member of the planning commission is entitled to the compensation the county commissioners consider appropriate.

§9–803.

(a) Notwithstanding § 4–302 of this article, the members of the board of appeals shall be appointed to 4–year terms.

(b) The terms of the members of the board of appeals shall be staggered.

§9–804.

(a) This section applies only to an application for a special exception for:

(1) an asphalt plant;

(2) a concrete plant;

(3) sand and gravel washing, crushing, or screening; or

(4) surface mining.

(b) (1) Notwithstanding Title 4, Subtitle 3 of this article, the county commissioners may hear and decide a special exception under an appeal filed by a property owner who is aggrieved by a decision of the board of appeals on the special exception.

(2) The county commissioners shall hear and decide an appeal of a special exception in accordance with rules and procedures adopted by the county commissioners.

(c) If the county commissioners adopt rules and procedures for considering a special exception under this section, the decision of the county commissioners to grant, deny, modify, or remand the application for the special exception is a final decision for which judicial review may be requested in the circuit court under Title 4, Subtitle 4 of this article.

§9–805.

(a) Subject to subsections (b) and (c) of this section, the subdivision regulations may provide for the reservation of property for traffic, recreation, or other public purposes.

(b) A reservation of property under subsection (a) of this section may not continue for longer than 3 years without the written approval of all persons with a legal or equitable interest in the property.

(c) The subdivision regulations shall provide for public notice and an opportunity for a public hearing before a property may be reserved.

§9–806.

Section 5–301 of this article does not apply to the sale or negotiation for sale of industrial property.

§9–807.

(a) If the county commissioners abate a violation of a zoning law, the county commissioners may assess against the property the reasonable costs of the abatement.

(b) The assessment shall be:

(1) added to the annual tax bill of the property to be collected in the same manner as ordinary taxes are collected; and

(2) subject to the same interest and penalty for nonpayment as provided by law for the nonpayment of county taxes.

(c) The assessment is a lien against the property from the date of assessment until paid.

§9–1001.

This subtitle applies to Frederick County.

§9–1002.

Notwithstanding any other provision of this division, the governing body of Frederick County may overrule an action of the county planning commission under Title 3, Subtitle 2 or 3 of this article.

§9–1003.

(a) Notwithstanding § 4–302 of this article, the members of the board of appeals may be appointed to terms of 1 to 3 years.

(b) The terms of the members of the board of appeals shall be staggered.

§9–1004.

If a plat is approved and recorded in accordance with this division before the transfer of the property, § 5–301 of this article does not apply to a contract for sale or negotiation for sale of property zoned industrial, commercial, or both industrial and commercial.

§9–1005.

(a) A person aggrieved by an agreement executed under Title 7, Subtitle 3 of this article may file an administrative appeal to the county board of zoning appeals.

(b) (1) Any of the following persons may file a request for judicial review by the circuit court of the county of a decision of the board of zoning appeals:

(i) a person aggrieved by the decision; or

(ii) a party to the proceeding before the board of zoning appeals.

(2) The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules.

(c) Any party to the proceeding in the circuit court aggrieved by the decision of the circuit court may appeal to the Appellate Court of Maryland in the same manner provided for civil cases.

(d) (1) If a development rights and responsibilities agreement was entered into before July 1, 2016, a person aggrieved by an amendment to the agreement:

(i) may not file an administrative appeal; and

(ii) may seek direct judicial review of the agreement in circuit court by filing a request with the circuit court of the county.

(2) The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules.

(3) Under this subsection, a party to the proceeding in the circuit court that is aggrieved by the decision of the circuit court may appeal to the Appellate Court of Maryland and thereafter may petition the Supreme Court of Maryland for a writ of certiorari in the manner that is provided for civil cases.

§9–1301.

This subtitle applies to Howard County.

§9–1302.

(a) In addition to the jurisdiction granted in Title 11 of this article, the county council may provide by local law for an administrative proceeding to enforce its zoning regulations.

(b) The local law may include the authority to impose civil fines and penalties and to create liens and assess costs for zoning violations.

§9–1601.

This subtitle applies to St. Mary's County.

§9–1602

(a) Except as provided in subsection (b) of this section, land or buildings may not be used for chemical or catalytic manufacturing, chemical fabrication, gasoline processing, or refining of petroleum or petroleum products.

(b) Subsection (a) of this section does not apply to land or buildings used:

(1) on or before July 23, 1974, for chemical or catalytic manufacturing, chemical fabrication, gasoline fabrication, gasoline processing, or refining of petroleum or petroleum products; or

(2) on or after July 1, 1980, for manufacturing alcohol fuel.

§9–1603.

(a) Except as provided in subsection (b) of this section, any land or building used for races or speed contests involving automobiles or other vehicles, as defined in § 11–176 of the Transportation Article, shall cease operation:

(1) by 12:30 a.m.; or

(2) if a race or speed contest is in progress at 12:30 a.m., within 30 minutes after the conclusion of that race or speed contest.

(b) The required closing time for land or buildings under subsection (a) of this section does not apply to areas used for the operation of concessions or to a passage used as an entrance to or exit from the concession areas.

§9–1604.

(a) Notwithstanding § 4–302 of this article, the members of the board of appeals may be appointed to terms of 1 to 3 years.

(b) The terms of the members of the board of appeals shall be staggered.

§9–1605.

Section 5–301 of this article does not apply to the sale or negotiation for sale of industrial property.

§9–1606.

A property deeded before January 1, 1994, and improved with a residence before January 1, 2007, is exempt from the subdivision regulations adopted by the county under Title 5 of this article for purposes of constructing additions to the residence or accessory buildings.

§9–1801.

This subtitle applies to Talbot County.

§9–1802.

(a) In addition to the jurisdiction granted in Title 11 of this article, the legislative body of Talbot County may provide by local law for an administrative proceeding to enforce its zoning regulations.

(b) The local law may include the authority to impose civil fines and penalties for zoning violations.

§9–1901.

Except for land within a municipal corporation, this subtitle applies to Washington County.

§9–1902.

(a) In this section, "public facilities" means schools, roads, water, wastewater, and stormwater management facilities, and other infrastructure supported by the federal, State, or local government for public purposes.

(b) In addition to the authority granted in Title 7, Subtitle 1 of this article, the county commissioners may provide by local law for the provision and financing of adequate public facilities concurrently with the need for those facilities.

(c) The local law may include the authority for the county commissioners to:

(1) determine the functional or design capacity of public facilities;

(2) establish standards for determining the adequacy of public facilities;

(3) determine school capacity standards;

(4) determine the student yield factors for schools at various levels;

(5) establish categories of developments that will be exempt from the application of the local law;

(6) establish formulas for measuring available capacity of public facilities;

(7) determine the adequacy of public facilities in areas affected by new developments in the development plan review process;

(8) enter into agreements with developers providing for the payment of monetary compensation to address inadequacies in public facilities caused by proposed developments as a part of the development plan approval process;

(9) determine the value of in–kind contributions of equivalent value such as real estate;

(10) require forfeiture of contributions 3 years after final plat approval;

(11) establish an appeal process for decisions made under the local law;

(12) limit the number of building permits in any school district; and

(13) limit the number of residential building lots approved for development on an annual basis.

(d) The local law may authorize the county commissioners to impose civil fines and penalties for any violation of the local law.

§9–2101.

This subtitle applies to Worcester County.

§9–2102.

(a) Notwithstanding any other law, on the zoning or rezoning of land, the county commissioners may impose appropriate restrictions or conditions to preserve or improve the general character and design of:

(1) the land and improvements being zoned or rezoned; or

(2) the surrounding land and improvements.

(b) On the zoning or rezoning of land, the county commissioners may retain the power to approve or disapprove the design of buildings, construction, landscaping, or other improvements or alterations made on the land to assure conformity with the purposes of this division and the county zoning law.

(c) The county commissioners may exercise the power granted under this section only if the county commissioners adopt a local law that includes:

(1) enforcement procedures; and

(2) requirements for adequate notice of public hearings and conditions sought to be imposed.

§9–2103.

Notwithstanding any other provision of this division or of the local laws of the county, an application for zoning classification or reclassification shall contain the following information:

(1) if the applicant is a corporation, the names and residences of the officers, directors, and all stockholders owning more than 20% of the capital stock of the corporation;

(2) if the applicant is a general or limited partnership, the names and residences of all partners who own more than 20% of the interest of the partnership;

(3) if the applicant is an individual, the applicant's name and residence; or

(4) if the applicant is a joint venture, unincorporated association, real estate investment trust, or other business trust or statutory trust, the names and residences of all persons holding an interest of more than 20% in the joint venture, unincorporated association, real estate investment trust, or other business trust or statutory trust.

§10–101.

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

(b) "Board" means the Board of Municipal and Zoning Appeals.

(c) "Commercial use" includes multifamily residential development if the development is located within:

(1) a waterfront commercial zoning district; and

(2) a 0.50–mile radius of a commuter rail station.

§10–102.

(a) A regulation adopted under this title that conflicts with any statute, local law, or other regulation shall govern if the regulation adopted under this title:

(1) requires a greater width or size of yards, courts, or other open spaces;

(2) requires a lower height of buildings;

(3) requires a reduced number of stories;

(4) requires a greater percentage of lot left unoccupied; or

(5) imposes a more restrictive standard.

(b) A statute, local law, or other regulation that conflicts with a regulation adopted under this title shall govern if the statute, local law, or other regulation:

(1) requires a greater width or size of yards, courts, or other open spaces;

(2) requires a lower height of buildings;

(3) requires a reduced number of stories;

(4) requires a greater percentage of lot left unoccupied; or

(5) imposes a more restrictive standard.

§10–103.

(a) Except as provided in this section, this division does not apply to Baltimore City.

(b) The following provisions of this division apply to Baltimore City:

(1) this title;

(2) § 1–101(m) (Definitions – "Priority funding area");

(3) § 1–101(o) (Definitions – "Sensitive area");

(4) § 1–201 (Visions);

(5) § 1–206 (Required education);

(6) § 1–207 (Annual report – In general);

(7) § 1–208 (Annual report – Measures and indicators);

(8) Title 1, Subtitle 3 (Consistency);

(9) Title 1, Subtitle 4, Parts II and III (Home Rule Counties – Comprehensive Plans; Implementation);

(10) § 4–104(c) (Limitations – Bicycle parking);

(11) § 4–104(d) (Limitations – Manufactured homes and modular dwellings);

(12) § 4–205 (Administrative adjustments);

(13) § 4–208 (Exceptions – Maryland Accessibility Code);

(14) § 4–210 (Permits and variances – Solar panels);

(15) § 4–211 (Change in zoning classification – Energy generating systems);

(16) § 4–215 (Pollinator–friendly vegetation management);

(17) § 4–216 (Limitations – Family child care homes and large family child care homes);

(18) Title 4, Subtitle 5 (Accessory Dwelling Units);

(19) § 5–102(d) (Subdivision regulations – Burial sites);

(20) Title 7, Subtitle 1 (Development Mechanisms);

(21) Title 7, Subtitle 2 (Transfer of Development Rights);

(22) Title 7, Subtitle 3 (Development Rights and Responsibilities Agreements);

(23) Title 7, Subtitle 4 (Inclusionary Zoning);

(24) Title 7, Subtitle 5 (Housing Expansion and Affordability); and

(25) Title 11, Subtitle 2 (Civil Penalty).

§10–104.

(a) In this section, "Red Line" means a transit facility, regardless of mode, operating in a combination of at–grade, elevated, or underground configurations through Baltimore City and Baltimore County along a generally east–to–west alignment between the terminus of Security Boulevard on the west and Johns Hopkins Bayview Medical Center on the east, connecting as appropriate to other fixed–route transit services.

(b) Notwithstanding § 10–202 of this title, the Mayor and City Council of Baltimore City may not adopt or enforce a local law that requires the creation of new motor vehicle off–street parking for a development that includes residential use and that is located within a 0.25–mile radius of a present or planned:

(1) MARC station;

(2) Baltimore MTA Light Rail station;

(3) Red Line station, regardless of transit mode; or

(4) Metro station.

§10–201.

(a) It is the policy of the State that:

(1) the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning controls; and

(2) planning and zoning controls shall be implemented by local government.

(b) To achieve the public purposes of this regulatory scheme, the General Assembly recognizes that local government action will limit free business enterprise

and competition by owners and users of property through the planning and zoning controls set forth in this title and elsewhere in the public general and public local laws.

§10–202.

To promote the health, safety, and general welfare of the community, the Mayor and City Council of Baltimore City may regulate:

(1) the height, number of stories, and size of buildings and other structures;

(2) the percentage of a lot that may be occupied;

(3) off–street parking;

(4) the size of yards, courts, and other open spaces;

(5) population density; and

(6) the location and use of buildings, signs, structures, and land.

§10–203.

The powers granted to the Mayor and City Council of Baltimore City under this title do not:

(1) grant to the Mayor and City Council powers in any substantive area not otherwise granted to the Mayor and City Council by any other public general or public local law;

(2) restrict the Mayor and City Council from exercising any power granted to the Mayor and City Council by any other public general or public local law or otherwise;

(3) authorize the Mayor and City Council or the officers of Baltimore City to engage in any activity that is beyond their power under any other public general law or public local law or otherwise; or

(4) preempt or supersede the regulatory authority of any unit of the State under any public general law.

§10–204.

(a) To preserve structures and landmarks of historic and architectural value as a public purpose of the State, the Mayor and City Council of Baltimore City may enact laws for historic and landmark zoning and preservation.

(b) This section does not restrict any charter power or other power of Baltimore City.

§10–301.

(a) The Mayor and City Council of Baltimore City may divide Baltimore City into districts and zones of any number, shape, and area as they determine are best suited to carry out the purposes listed in § 10–302 of this subtitle.

(b) (1) Within the districts and zones, the Mayor and City Council of Baltimore City may regulate the construction, alteration, repair, or use of buildings, structures, or land.

(2) (i) Zoning regulations adopted by the Mayor and City Council of Baltimore City under this subtitle shall be uniform for each class or kind of development throughout each district or zone.

(ii) Zoning regulations in one district or zone may differ from those in other districts or zones.

§10–302.

Zoning regulations adopted by the Mayor and City Council of Baltimore City under this subtitle shall:

(1) be in accordance with the plan;

(2) be designed to:

(i) control street congestion;

(ii) promote health, public safety, and general welfare;

(iii) provide adequate light and air;

(iv) promote the conservation of natural resources;

(v) prevent environmental pollution;

(vi) properly manage growth and development; and

(vii) promote or facilitate adequate transportation, water, sewerage, schools, recreation, parks, and other public facilities; and

(3) include reasonable consideration for:

(i) the character of the district or zone and its suitability for particular uses;

(ii) the conservation of the value of buildings and other structures; and

(iii) encouragement for orderly development and the most appropriate use of land throughout Baltimore City.

§10–303.

(a) The Mayor and City Council of Baltimore City shall provide for the manner in which zoning regulations and the boundaries of districts and zones shall be established, enforced, and amended.

(b) (1) The Mayor and City Council of Baltimore City shall hold at least one public hearing on a proposed zoning regulation or boundary at which parties in interest and citizens have an opportunity to be heard.

(2) The zoning regulation or boundary may not become effective until after the hearing or hearings.

(c) At least 15 days before a public hearing is held under this section, the Mayor and City Council of Baltimore City shall publish notice of the time and place of the hearing in a newspaper of general circulation in Baltimore City.

(d) If a hearing under this section will be on a proposed change in the boundaries of a district or zone, the Mayor and City Council of Baltimore City shall:

(1) post a similar notice at a place designated by the respective zoning authorities within the district or zone proposed to be changed; and

(2) mail notice of the proposed change by United States first–class mail to any person whose name last appeared in the Baltimore City tax records as the owner of the property proposed to be changed.

§10–304.

(a) The Mayor and City Council of Baltimore City may amend or repeal zoning regulations and boundaries.

(b) (1) If the purpose and effect of a proposed map amendment is to change the zoning classification of particular property, the City Council shall make findings of fact that address:

(i) population change;

(ii) the availability of public facilities;

(iii) present and future transportation patterns;

(iv) compatibility with existing and proposed development for the area;

(v) the recommendations of the Baltimore City Planning Commission and the Board; and

(vi) the relationship of the proposed amendment to Baltimore City's plan.

(2) The City Council may grant the amendment to change the zoning classification based on a finding that there was:

(i) a substantial change in the character of the neighborhood where the property is located; or

(ii) a mistake in the existing zoning classification.

(3) The City Council may not allow the filing of an application for a reclassification of a tract or parcel of land for which a reclassification has been denied by the City Council on the merits in the 12 months before the date of the application.

§10–305.

(a) (1) The Mayor and City Council of Baltimore City shall refer proposed changes to the boundaries of a district or zone to the Baltimore City Planning Commission and to the Board.

(2) The Planning Commission and the Board shall:

(i) study the proposed changes in relation to:

1. the plan;

2. the needs of Baltimore City; and

3. the needs of the particular neighborhood in the vicinity of the proposed changes; and

(ii) report their findings and recommendations to the Mayor and City Council.

(3) If the Planning Commission and the Board recommend disapproval of the proposed changes to the boundaries of a district or zone, the changes may not take effect unless a majority of the members of the City Council vote to approve the changes.

(b) The provisions of § 10–303 of this subtitle concerning public hearings and notice apply to all changes or amendments to regulations and boundaries.

§10–306.

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

(2) "Community benefits agreement" means a contract signed by recognized community associations and an applicant for a zoning permit that requires the applicant to provide specific amenities, signage, mitigations, economic impacts, and requirements relating to the diversity, balance, and character of the local community or neighborhood defined in the agreement.

(3) "Dispersal regulation" means a zoning regulation that requires a minimum distance between qualifying uses, measured in a straight line from the nearest point on a lot line of the property occupied by one qualifying use to the nearest point on a lot line of the other property occupied by a qualifying use.

(4) "Grocery store" has the meaning stated in § 9–254 of the Tax – Property Article.

(5) "Pharmacy" has the meaning stated in § 12–101 of the Health Occupations Article.

(6) (i) "Small box discount store" means a retail store that has a floor area of more than 5,000 square feet and less than 12,000 square feet and that offers for sale:

1. a combination and variety of convenience shopping goods and consumer shopping goods; and

2. the majority of the items in the inventory at a price not to exceed $5.

(ii) "Small box discount store" does not include:

1. a grocery store;

2. a store that contains a pharmacy where prescription drugs are compounded, dispensed, or distributed;

3. a store that offers for sale gasoline, diesel fuel, or on–site electric charging capabilities for vehicles;

4. a retail store where the majority of the products sold are personal hygiene products or cosmetics; or

5. a store that primarily engages in the resale of used consumer goods.

(b) In accordance with §§ 10–201 and 10–202 of this title and §§ 10–301 and 10–302 of this subtitle, the Mayor and City Council of Baltimore City may enact planning and zoning controls that:

(1) establish a dispersal regulation that provides for a minimum distance between small box discount stores;

(2) establish the development of a small box discount store as a conditional use;

(3) as part of the approval process for the conditional use, authorize the consideration of whether the proposed conditional use is likely to:

(i) have any detrimental impacts on the economy, diversity, or public safety of the neighborhood where the proposed conditional use is located;

(ii) have any detrimental impacts on existing local retail and grocery stores; or

(iii) impede the entry or preservation of full–service grocery stores;

(4) establish a mechanism for the adoption and approval of a community benefits agreement between the applicant, along with the owner or operator of the building in which the small box discount store will be located if the applicant is not the owner or operator of the building, and recognized community associations;

(5) require the notice of a zoning application for a small box discount store to be given to the residents and owners of property that is located within a 0.5–mile radius of the proposed site; and

(6) establish a mechanism for the enforcement of community benefits agreements approved in accordance with item (4) of this subsection.

§10–401.

(a) A violation of this title or a local law enacted or regulation adopted under this title is a misdemeanor.

(b) (1) The Mayor and City Council of Baltimore City may provide by local law for the enforcement of this title and any local law enacted or regulation adopted under this title.

(2) The Mayor and City Council of Baltimore City may:

(i) require punishment by fine or imprisonment or both; and

(ii) enact or adopt civil penalties for a violation.

(3) The Mayor and City Council of Baltimore City may provide by local law that a violation of this title or a local law enacted or regulation adopted under this title is a civil zoning violation.

(c) In addition to any other available remedies, the proper authorities of Baltimore City may institute any appropriate action or proceedings to:

(1) prevent the unlawful construction, alteration, repair, conversion, maintenance, or use of a sign, a building, a structure, or land in violation of this title or any local law enacted or regulation adopted under this title;

(2) restrain, correct, or abate the violation;

(3) prevent the occupancy of the building, structure, or land; or

(4) prevent any illegal act, conduct, business, or use in or about the premises of the building, structure, or land.

§10–402.

(a) The City Council of Baltimore City may appoint full– and part–time hearing examiners that it considers necessary and appropriate to conduct public hearings as required under §§ 10–303 through 10–305 of this title.

(b) The City Council shall establish the term of office, qualifications, and compensation for hearing examiners.

(c) A hearing examiner shall conduct a hearing in the same manner and subject to the same rules as a hearing conducted by the City Council.

(d) A hearing examiner shall issue a written recommendation in the time, manner, and form established by the City Council.

§10–403.

(a) With the advice and consent of the City Council, the Mayor may provide for the appointment of a Board of Municipal and Zoning Appeals.

(b) (1) The Board shall consist of five members.

(2) (i) The term of a member of the Board is 4 years.

(ii) The terms of the members of the Board shall be staggered as provided on October 1, 2012.

(3) With the advice and consent of the City Council, the Mayor shall appoint an individual to fill the unexpired term of any member.

(4) (i) The Mayor may remove any member of the Board for:

1. incompetence;

2. misconduct; or

3. in the same manner as for a member of a State board or commission:

A. failure to attend meetings under § 8–501 of the State Government Article; or

B. conviction of a crime in accordance with § 8–502 of the State Government Article.

(ii) The Mayor shall provide to the member:

1. a written statement of charges stating the grounds for removal; and

2. an opportunity for a public hearing to contest the charges.

(5) (i) The Mayor shall designate one or more alternate members for the Board who may sit on the Board when another member of the Board is absent or recused.

(ii) When an alternate member is absent or recused, the Mayor may designate a temporary alternate.

(c) (1) The Board shall adopt rules in accordance with any local law adopted under this title.

(2) Meetings of the Board shall be:

(i) held at the call of the chair and at other times determined by the Board; and

(ii) open to the public.

(3) The chair of the Board or, in the chair's absence, the acting chair may administer oaths and compel the attendance of witnesses.

(4) The Board shall keep minutes of its proceedings, including the vote of each member on each question, or the member's absence or failure to vote.

(5) (i) The Board shall keep records of the examinations and other official actions of the Board.

(ii) The records of the Board shall be:

1. filed promptly in the office of the Board; and

2. open to the public.

§10–404.

(a) The Board may:

(1) hear and decide appeals when:

(i) it is alleged that there was an error in any order, requirement, decision, or determination made by an administrative official or unit under this title or any local law adopted under this title; and

(ii) the Board is authorized by the Mayor and City Council of Baltimore City by local law or the Charter of Baltimore City;

(2) hear and decide special exceptions or conditional uses on which the Board is required to act under a local law;

(3) authorize on appeal in specific cases a variance from the terms of a local law;

(4) approve buildings and uses limited as to location by any regulation adopted under a local law; and

(5) when acting on a zoning application, consider the availability of public facilities in the area, including schools and flood plain facilities, under regulations adopted under a local law.

(b) If authorized by the general zoning laws of Baltimore City, this subtitle does not prevent the Mayor and City Council of Baltimore City from granting by local law:

(1) variances;

(2) special exceptions; or

(3) conditional uses.

(c) Nothing in this subtitle prohibits an administrative official or unit from making a decision under this title or any local law adopted under this title when authorized by the Mayor and City Council of Baltimore City by local law or the Charter of Baltimore City.

(d) This section does not alter or impair the right to appeal provided for under this subtitle.

§10–405.

(a) An appeal to the Board may be filed by:

(1) a person aggrieved by a decision of the administrative officer or unit; or

(2) an officer or unit of Baltimore City affected by a decision of the administrative officer or unit.

(b) A person shall file an appeal within a reasonable time provided by local law or the rules of the Board by filing with the administrative officer or unit from whose action the appeal is taken and with the Board a notice of appeal specifying the grounds of the appeal.

(c) On receiving the notice of appeal, the administrative officer or unit from whose action the appeal is taken shall transmit to the Board all papers constituting the record of the action appealed.

(d) (1) Unless the administrative officer or unit from whose action an appeal is taken, after receiving the notice of appeal, certifies facts to the Board that the administrative officer or unit believes that a stay would cause imminent peril to life or property, an appeal stays all proceedings in the action appealed.

(2) If the administrative officer or unit provides facts showing that a stay would cause imminent peril to life or property, the proceedings may be stayed only by a restraining order granted by:

(i) the Board; or

(ii) the Circuit Court for Baltimore City.

(3) A restraining order may be issued only:

(i) on application;

(ii) for good cause shown; and

(iii) after notice is given to the administrative officer or unit from whose action the appeal is taken.

(e) (1) The Board shall:

(i) establish a reasonable time for the hearing of an appeal;

(ii) give public notice of the existence of the appeal and of the hearing, and due notice to the parties in interest and to other persons entitled to notice under local law or the rules of the Board; and

(iii) decide the appeal within a reasonable time.

(2) At a hearing, a party may:

(i) appear in person; or

(ii) be represented by an agent or attorney.

(f) (1) The Board may, in conformity with this title:

(i) wholly or partly reverse the order, requirement, or decision that is the subject of the appeal;

(ii) wholly or partly affirm the order, requirement, or decision that is the subject of the appeal; or

(iii) modify the order, requirement, or decision that is the subject of the appeal.

(2) The Board shall have the powers of the administrative officer or unit from whose action the appeal is taken.

§10–406.

(a) If five members of the Board are present, the concurring vote of at least four members is necessary to:

(1) reverse any order, requirement, or decision of an administrative officer or unit;

(2) decide in favor of the applicant on any matter on which the Board is required to act under a local law; or

(3) effect any variation in a local law.

(b) If four members of the Board are present, the concurring vote of at least three members is necessary to take any action under this section.

§10–501.

(a) A request for judicial review by the Circuit Court for Baltimore City may be filed by any person, taxpayer, or officer or unit of Baltimore City aggrieved by:

(1) a decision of the Board; or

(2) a zoning action by the City Council.

(b) The judicial review shall be in accordance with Title 7, Chapter 200 of the Maryland Rules.

(c) This section does not change the existing standards for judicial review of a zoning action.

§10–502.

(a) (1) The Circuit Court for Baltimore City may:

(i) consider the judicial review on the record; or

(ii) allow either side or both sides to present additional testimony if the court believes that additional testimony is required for the proper disposition of the judicial review.

(2) The court shall consider the judicial review without a jury.

(b) (1) In reviewing a decision of the Board, the Circuit Court for Baltimore City may:

(i) reverse in whole or part;

(ii) affirm in whole or part;

(iii) modify; or

(iv) remand for further consideration.

(2) (i) If a petition for judicial review is remanded for further consideration, any testimony taken in court shall be made available to the Board.

(ii) The costs of preparing the testimony shall be made a part of the costs of judicial review.

§10–503.

A judgment of the Circuit Court for Baltimore City under § 10–502 of this subtitle may be appealed to the Appellate Court of Maryland.

§10–504.

(a) In addition to the judicial review provided under § 10–501 of this subtitle, the Mayor and City Council of Baltimore City may allow judicial review by the Circuit Court for Baltimore City of any matter arising under the planning and zoning laws of Baltimore City.

(b) A judgment of the Circuit Court for Baltimore City under this section may be appealed to the Appellate Court of Maryland.

(c) This section does not restrict any charter power or other power of the Mayor and City Council of Baltimore City.

§11–101.

(a) A legislative body may provide by local law for the enforcement of this division and of any local law enacted or regulation adopted under this division.

(b) Any property subdivided in violation of §§ 5–301 and 5–302 of this article shall remain subject to the adopted subdivision regulations.

§11–102.

(a) A violation of this division or of a local law enacted or regulation adopted under this division is a misdemeanor.

(b) A legislative body may:

(1) provide for punishment of a violation by fine or imprisonment or both; and

(2) impose civil penalties for a violation.

§11–103.

(a) In addition to any other available remedy, a local jurisdiction may institute any appropriate action or proceeding to:

(1) prevent the unlawful construction, alteration, repair, conversion, maintenance, or use of a building, structure, sign, or land in violation of this division or of a local law enacted or regulation adopted under this division;

(2) restrain, correct, or abate the violation;

(3) prevent the occupancy of the building, structure, or land; or

(4) prevent any illegal act, conduct, business, or use in or about the premises.

(b) Notwithstanding subsection (a) of this section, a local jurisdiction may not institute an action or proceeding to:

(1) abate a transfer that has been completed; or

(2) prevent the occupancy of a building, structure, or land involved in the transfer as a result of a violation of § 5–301 or § 5–302 of this article.

§11–201.

In this subtitle, "zoning official" means a county employee with the duty of enforcing the zoning law.

§11–202.

(a) A legislative body of a county may provide a civil penalty for a zoning violation, which shall be enforced as provided in this subtitle.

(b) The legislative body may:

(1) impose a fine not exceeding $500 for each violation;

(2) establish a schedule of additional fines for each violation; and

(3) adopt procedures for the collection of the fines.

§11–203.

(a) A zoning official may deliver a citation to a person who has committed a civil zoning violation.

(b) (1) The citation shall contain:

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

(ii) the nature of the violation, including the provision violated;

(iii) the location and time of the violation;

(iv) the amount of the fine;

(v) the manner, location, and time for payment of the fine; and

(vi) notice of the cited person's right to elect to stand trial for the violation and how to exercise that right.

(2) The citation shall bear a certification attesting to the truth of the matters set forth in the citation.

(c) The zoning official shall keep a copy of the citation.

§11–204.

(a) A person who receives a citation may elect to stand trial for the violation by filing a notice of intention to stand trial with the zoning official at least 5 business days before the date set forth in the citation for the payment of fines.

(b) After receiving a notice of intention to stand trial, the zoning official shall forward the notice, with a copy of the citation, to the District Court having venue.

(c) After receiving the citation and notice, the District Court shall:

(1) schedule the case for trial; and

(2) notify the defendant of the trial date.

§11–205.

(a) If a person that receives a citation for a violation fails to pay the fine by the date of payment set forth in the citation and fails to file a notice of intention to stand trial, the zoning official shall mail a notice of the violation to the person's last known address.

(b) If the person that receives the citation does not pay or otherwise satisfy the citation within 15 days after the date the notice of violation is mailed, the person

shall be subject to an additional fine not exceeding twice the amount of the original fine.

(c) (1) If the person that receives the citation does not pay or otherwise satisfy the citation within 35 days after the notice of violation is mailed, the zoning official may request the District Court to adjudicate the violation.

(2) If the zoning official requests adjudication, the District Court shall:

(i) schedule the case for trial; and

(ii) summon the defendant to appear.

§11–206.

In a proceeding before the District Court, a violation shall be adjudicated in the same manner and to the same extent as a municipal infraction under §§ 6–108 through 6–115 of the Local Government Article.

§11–207.

(a) All fines, penalties, or forfeitures collected by the District Court for zoning violations shall be remitted to the county in which the zoning violation occurred.

(b) If the District Court finds that a person has committed a civil zoning violation, the person shall be liable for the costs of the court proceedings.

§11–208.

The governing body of a county may authorize the county attorney to seek adjudication of a civil zoning violation.

§11–209.

A finding by the District Court of a violation under this subtitle is not a criminal conviction and does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

§14–101.

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

(b) "Commission" means the Maryland–National Capital Park and Planning Commission.

(c) "Commissioner" means a member of the Commission.

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

(e) "County planning board" means a planning board for a county established under Title 20, Subtitle 2 of this article.

(f) "District council" means:

(1) for a single county, the county council sitting as the district council of the county with respect to that portion of the regional district in the county under § 22–101 of this article;

(2) for the district council as a whole, the county councils of both counties sitting jointly as the bi–county district council of the regional district under § 22–102 of this article; or

(3) for a municipal corporation, the governing body of the municipal corporation sitting as the district council for the municipal corporation under an agreement authorized under § 20–704(c) of this article.

(g) "Governed special taxing district" or "governed district" means a special taxing district that:

(1) has an elected local governing body; and

(2) performs general municipal functions.

(h) (1) "Local law" means an enactment of the legislative body of a local jurisdiction, whether by ordinance, resolution, or otherwise.

(2) "Local law" does not include a public local law.

(i) "Metropolitan district" means the Maryland–Washington Metropolitan District established under Title 19 of this article.

(j) "Park" includes a public playground, play field, and any other recreational ground, space, or facility.

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

(l) "Regional district" means the Maryland–Washington Regional District established under Title 20, Subtitle 1 of this article.

(m) "Road" includes a highway, freeway, boulevard, parkway, street, avenue, lane, alley, viaduct, bridge, trail, bicycle path, and any other way or part of a way.

(n) "Sensitive area" has the meaning stated in § 1–101 of this article.

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

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

(ii) the District of Columbia.

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

(p) (1) "Subdivision" means:

(i) the process and configuration of land by which one or more lots, tracts, or parcels of land are divided, consolidated, or established as one or more lots or parcels, or other divisions of land, consistent with criteria established by the legislative body of the local jurisdiction; or

(ii) the land so subdivided.

(2) "Subdivision" includes resubdivision.

(q) (1) "Zoning law" means the legislative implementation of regulations for zoning by a local jurisdiction.

(2) "Zoning law" includes a zoning ordinance, zoning regulation, zoning code, and any similar legislative action to implement zoning controls in a local jurisdiction.

§14–201.

This division applies only in Montgomery County and Prince George's County.

§14–202.

(a) Except as otherwise provided in Title 20, Subtitle 7, Part I, Title 24, Subtitle 2, and Title 25, Subtitle 3 of this article, Article XI–E of the Maryland Constitution does not apply to the Commission, the metropolitan district, or the regional district.

(b) Neither the Commission, the metropolitan district, nor the regional district is a "municipal corporation" under Article XI–E of the Maryland Constitution.

§14–203.

The requirement or authorization for a local jurisdiction to enact a local law to implement a provision of this division is not intended to alter in any way the form or legislative mechanism that the applicable enabling authority requires for the local jurisdiction to enact the local law, whether by ordinance, resolution, or otherwise, as of October 1, 2012.

§15–101.

(a) There is a Maryland–National Capital Park and Planning Commission.

(b) The Commission is a body politic and corporate and is an agency of the State.

§15–102.

(a) (1) The Commission consists of 10 members.

(2) Of the 10 members of the Commission:

(i) five shall be residents and registered voters of Montgomery County; and

(ii) five shall be residents and registered voters of Prince George's County.

(3) (i) Subject to the approval of the County Executive, the County Council shall appoint each commissioner from Montgomery County.

(ii) Subject to the approval of the County Council, the County Executive shall appoint each commissioner from Prince George's County.

(b) Each commissioner shall be an individual of ability, experience, and integrity.

(c) (1) Of the commissioners from each county, not more than three shall be members of the same political party.

(2) A commissioner may not be selected as representing or supporting any special interest.

(d) (1) The term of a commissioner is 4 years and begins on June 15.

(2) The terms of commissioners are staggered as required by the terms provided for commissioners on October 1, 2012.

(3) At the end of a term, a commissioner continues to serve until a successor is appointed and qualifies.

(4) A commissioner who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A commissioner who is appointed to fill a vacancy for an unexpired term shall be a member of the same political party as the commissioner who vacated the office.

(6) (i) Except as provided in subparagraph (ii) of this paragraph, a commissioner appointed from Montgomery County may not be appointed for three consecutive full terms.

(ii) A commissioner appointed from Montgomery County may be appointed for a maximum of three consecutive full terms as a member of the Commission if the commissioner is designated as chair of the Montgomery County Planning Board during the commissioner's second term in office.

§15–103.

(a) (1) In Montgomery County, the County Council shall make an appointment to the Commission from a list of applicants.

(2) The list shall be:

(i) completed at least 3 weeks before an appointment is made; and

(ii) made available to the public.

(3) If the County Council does not appoint an individual whose name appears on the list or if no name appears on the list, the County Council shall provide for the preparation of a second list and follow the procedures under paragraph (2) of this subsection.

(4) Within 3 days after making an appointment, the County Council shall submit the name of the appointee to the County Executive.

(5) Within 30 days after the appointment is submitted, the County Executive shall approve or disapprove the appointment.

(6) An appointment that is not disapproved by the County Executive in accordance with this subsection is deemed to be approved.

(7) If the County Executive disapproves an appointment, the County Executive shall return the appointment to the County Council with the reasons for the disapproval stated in writing.

(8) By the affirmative vote of nine of its members, the County Council may appoint a commissioner over the disapproval of the County Executive.

(b) (1) In Prince George's County, the County Council shall hold public hearings on an appointment to the Commission not less than 10 days and not more than 20 days after the County Executive submits the name of the appointee to the County Council.

(2) If the County Council fails to act on the appointment within 30 days after the County Executive submits the name of the appointee, the appointment is deemed to be approved.

(3) A vote of a majority of the full County Council is required to approve or disapprove an appointment.

(4) (i) In making and approving appointments, the County Council and County Executive shall attempt to provide reasonable geographic balance with respect to the commissioners' places of residence.

(ii) The appointment resolution for each appointment shall describe the resulting geographic distribution and provide appropriate explanations.

§15–104.

(a) This section applies to each commissioner appointed by the Montgomery County Council under §§ 15–102 and 15–103 of this subtitle.

(b) (1) The Montgomery County Council may require an applicant for appointment as a commissioner to be interviewed by the County Council or its designated agent in private regarding possible or potential conflicts of interest.

(2) Before the appointment is made, the County Council or its designated agent shall interview in private an applicant who is selected for appointment regarding possible or potential conflicts of interest.

(c) An applicant may not be appointed unless the applicant:

(1) has filed a financial disclosure statement as required by § 5–824 of the General Provisions Article; and

(2) has been interviewed as required by subsection (b) of this section.

(d) (1) In an interview under this section, the applicant shall be interviewed:

(i) under oath;

(ii) in a question and answer format; and

(iii) about information and interests including all sources of income, property holdings, business interests, and financial interests of the applicant and the applicant's spouse, parent, child, brother, or sister.

(2) The County Council may require the applicant to produce relevant documents.

(e) (1) A written transcript shall be made of all questions and answers in an interview under this section.

(2) Unless the examination is waived by the applicant:

(i) the transcript shall be submitted to the applicant for examination;

(ii) the transcribing officer shall make any changes in the transcript that the applicant desires to make, accompanied by a statement of the reason given by the applicant for the changes; and

(iii) the applicant shall sign the transcript.

(3) The transcribing officer shall certify on the transcript that:

(i) the applicant was sworn by the officer; and

(ii) the transcript is a true record of the testimony given by the applicant.

(4) The County Council shall:

(i) publicly disclose the complete transcript of an appointee within 3 weeks after the date of the appointment; and

(ii) when the appointee takes office, destroy immediately the complete transcript of any other applicant without disclosure of any information contained in the transcript.

(f) (1) On or before June 1 of each year, an appointee shall disclose, in writing, to the County Council all information available to make current the property holdings, business interests, and financial interests in the State and the greater Washington metropolitan area of the appointee and the appointee's spouse, parent, child, brother, or sister.

(2) The County Council shall publicly disclose the information received from the appointee.

(3) If the County Council determines it necessary, the County Council may require substantiation and additional information.

§15–105.

(a) (1) The Montgomery County Council may remove or discipline any commissioner appointed from Montgomery County before the expiration of the commissioner's term.

(2) With the approval of a majority of the members of the County Council, the County Executive of Prince George's County may remove any commissioner appointed from Prince George's County before the expiration of the commissioner's term.

(b) (1) Except as provided in paragraph (2) of this subsection, before a commissioner may be removed or disciplined under subsection (a) of this section:

(i) the cause for removal or disciplinary action shall be stated in writing; and

(ii) a public hearing shall be held on the removal or disciplinary action.

(2) In Prince George's County, the commissioner sought to be removed may waive in writing the public hearing held by the County Council.

§15–106.

(a) The County Executive of Prince George's County, with the approval of a majority of the members of the County Council, and the Montgomery County Council, with the approval of the County Executive in accordance with subsection (b) of this section, shall each designate a commissioner for the position of chair or vice chair.

(b) (1) Within 3 days after making a designation, the Montgomery County Council shall submit the name of the designee to the County Executive.

(2) Within 30 days after the designation is submitted, the County Executive shall approve or disapprove the designation.

(3) If the County Executive disapproves a designee, the County Executive shall return the name of the designee to the County Council with the reasons for the disapproval stated in writing.

(4) By the affirmative vote of eight of its members, the County Council may designate a commissioner for the position of chair or vice chair over the disapproval of the County Executive.

(5) A designation that has not been disapproved by the County Executive in accordance with this subsection is deemed to be approved.

(c) The Commission shall elect a chair and vice chair from the commissioners designated in accordance with subsections (a) and (b) of this section.

(d) (1) The chair shall:

(i) preside at meetings of the Commission; and

(ii) perform the other customary duties of the office.

(2) The vice chair shall preside in the absence of the chair.

(3) The chair and vice chair of the Commission also serve as chairs of their respective county planning boards.

§15–107.

(a) The Montgomery County Council may designate a commissioner from that county to serve on a full–time basis as the chair or vice chair of the Commission.

(b) With the approval of a majority of the members of the County Council, the County Executive of Prince George's County may designate a commissioner from that county to serve on a full–time basis as the chair or vice chair of the Commission.

§15–108.

(a) (1) (i) Each commissioner other than the chair is entitled to an annual salary of $5,600.

(ii) The chair of the Commission is entitled to an annual salary of $6,100.

(2) All salaries shall be paid monthly from the administrative tax collected by the Commission under § 18–307 of this article.

(3) (i) Subject to subparagraph (ii) of this paragraph, each commissioner is entitled to an annual expense allowance not exceeding $2,400, in accordance with rules and regulations the Commission adopts.

(ii) A commissioner shall submit a voucher showing the expenses.

(b) (1) (i) With the approval of the County Executive of Montgomery County, the County Council may authorize an appropriate supplementary salary for the commissioner designated by Montgomery County to serve on a full–time basis.

(ii) If the County Executive fails to approve a supplementary salary authorization by the County Council within 30 days after the authorization is submitted, the County Council, by an affirmative vote of eight of its members, may authorize the supplementary salary without the approval of the County Executive.

(2) On the recommendation of the County Executive of Prince George's County, the County Council may authorize an appropriate supplementary salary for the commissioner designated by Prince George's County to serve on a full–time basis.

(3) Any supplementary salary authorized under this subsection shall be paid from the administrative tax collected by the Commission under § 18–307 of this article.

§15–109.

(a) (1) The Commission shall appoint an executive director, a secretary–treasurer, and a general counsel.

(2) The executive director, secretary–treasurer, and general counsel serve at the pleasure of the Commission.

(3) The Commission shall set the compensation of the executive director, secretary–treasurer, and general counsel.

(b) The executive director and the secretary–treasurer shall be bonded.

(c) Of the three officers appointed under this section, not more than two shall be residents of the same county.

§15–110.

The Commission may:

(1) appoint or contract for the services of planning, engineering, legal, administrative, auditing, clerical, staff, or other employees necessary to administer this division on a regional basis; and

(2) set the compensation of employees and contractors.

§15–111.

The Commission may require any officer or employee to post security in a form and amount the Commission approves.

§15–112.

The Commission may:

(1) maintain offices in Montgomery County and Prince George's County; and

(2) hold meetings, conduct hearings, and perform any of its duties under this division at the office that, in the Commission's judgment, best suits the convenience of the public.

§15–113.

(a) The Commission may:

(1) exercise the powers, duties, and functions provided in this division;

(2) use a common seal;

(3) sue and be sued; and

(4) do any other corporate act necessary to carry out this division.

(b) The Commission may raise the defense of partial governmental immunity described under § 5–512 of the Courts Article.

§15–114.

(a) The Commission shall establish an adequate comprehensive insurance program.

(b) (1) The comprehensive insurance program shall provide:

(i) compensation for personal injury or death or property damage resulting from negligence, malpractice, or any other civil or tortious act or omission of the Commission, or of its commissioners, employees, and agents acting within the scope of their duties and without malice or gross negligence; and

(ii) protection for property of the Commission and for officials and employees acting within the scope of their duties, including a comprehensive workers' compensation program.

(2) The Commission may purchase any other liability insurance the Commission considers necessary.

(c) The Commission may establish a program of group health, life, hospitalization, and disability insurance by purchasing insurance coverage from insurance companies authorized to do business in the State and, except for disability insurance, not by self–insurance.

(d) (1) The insurance required under subsection (b) of this section and the disability insurance authorized under subsection (c) of this section may be provided by:

(i) purchasing insurance coverage from insurance companies authorized to do business in the State;

(ii) a self–insurance program; or

(iii) a combination of purchased insurance coverage and self–insurance.

(2) If a self–insurance program is established and funded to cover all or part of the insurance required under subsection (b) of this section:

(i) the Commission shall adopt rules and regulations for the administration of the program; and

(ii) funding for the program shall be included in the annual operating budget.

(3) The insurance program established by the Commission shall provide for:

(i) defense of claims; and

(ii) compensation for damages.

(4) Within the limits of appropriations for the insurance program, the Commission may:

(i) engage necessary claims investigators and adjustors; and

(ii) provide for the defense and settlement of claims and payment of judgments.

(e) (1) Subject to paragraph (3) of this subsection, the Commission may cooperate with and enter into agreements to obtain and provide insurance coverage in the most economical manner with:

(i) Montgomery County;

(ii) Prince George's County;

(iii) both Montgomery County and Prince George's County; or

(iv) subject to the approval of the county government of a county affected by the agreement, other units of government.

(2) An agreement under paragraph (1) of this subsection may provide for any type of insurance protection, including:

(i) public liability;

(ii) group health, life, hospitalization, and disability;

(iii) real and personal property; and

(iv) workers' compensation.

(3) This subsection does not authorize the Commission to establish a self–insurance program for group health, life, and hospitalization insurance.

(f) (1) Subject to paragraphs (2) and (3) of this subsection, a payment made to a police officer employed by the Commission for an illness or injury received in the line of duty in accordance with any disability program or disability insurance program authorized under this section is considered in the nature of workers' compensation.

(2) A payment described in this subsection is independent of any payment made under the Maryland Workers' Compensation Act.

(3) This subsection does not affect:

(i) the offset provision under § 9–610 of the Labor and Employment Article; or

(ii) the presumption of a police officer's entitlement to benefits under § 9–503 of the Labor and Employment Article.

§15–115.

(a) (1) The Commission shall prepare an annual financial report.

(2) The annual financial report shall:

(i) include the financial statements of the Commission; and

(ii) be audited by an independent certified public accountant.

(3) The Commission shall make the audited annual financial report available for distribution to the public.

(b) (1) After the audit is completed, the Commission shall publish a summary financial report consisting of a combined statement of revenues and expenditures for all funds:

(i) in at least one newspaper of general circulation published in Montgomery County; and

(ii) 1. in the newspapers officially designated by the Prince George's County government as newspapers of record; or

2. in the absence of a designation of a newspaper of record, in at least one newspaper of general circulation published in Prince George's County.

(2) The publication of the summary financial report shall carry appropriate references to the Commission's audited annual financial report.

§15–116.

(a) (1) The Commission shall publish each year a report describing the work of the Commission for the previous year, in the detail that the Commission considers appropriate.

(2) The report required under this subsection shall include:

(i) land acquisitions;

(ii) financial transactions;

(iii) personnel matters; and

(iv) litigation and disposition of violations.

(b) The Commission may publish pamphlets describing:

(1) the law administered by the Commission; and

(2) subdivision, zoning, and other regulations adopted or enacted by the Commission or the district councils.

(c) The Commission may charge a fee for a publication issued under this section to cover any of the cost of the publication.

§15–117.

(a) The Commission shall:

(1) maintain a minute or record book; and

(2) record its actions in the minute or record book in usual corporate form.

(b) (1) The votes of the commissioners shall be separately taken and recorded by yeas, nays, and abstentions, and the reasons for each abstention shall be recorded, with respect to any:

(i) action authorizing, modifying, or rescinding the adoption of a master plan;

(ii) approval of plats of subdivision;

(iii) approval of subdivision or other regulations;

(iv) recommendations on zoning map amendments; or

(v) zoning text amendments.

(2) The names of the commissioners voting or abstaining shall be included in the minute entry following a brief summary of the matter on which the vote was taken.

(c) The minute or record book shall be kept available and open to public inspection and copying during business hours in the Commission's principal offices.

§15–118.

In the performance of the functions and duties of the Commission, any commissioner or employee or agent of the Commission may enter at all reasonable hours any building or private premises in the metropolitan district or in the regional district to make examinations and surveys and to place and maintain necessary monuments and marks on the building or premises.

§15–119.

Commissioners and employees of the Commission may engage in civilian defense or other defense activities under the direction of, or in cooperation with, federal, State, or county units in charge of the defense activities.

§15–120.

(a) This section does not prohibit a commissioner from:

(1) appearing in the pursuit of the commissioner's private interests as a citizen;

(2) accepting or receiving any benefit by operation of law; or

(3) prosecuting or pursuing any claim, right, privilege, or remedy that accrues to the commissioner by operation of law.

(b) (1) (i) This subsection does not prohibit a commissioner from having or holding a private investment, business, or professional interest, unless the interest is or reasonably may be in conflict with the proper performance of the commissioner's duty.

(ii) A private investment, business, or professional interest is presumed to be in conflict with the proper performance of the commissioner's duty if the commissioner or the commissioner's spouse, parent, child, brother, or sister:

1. jointly or severally owns more than 3% of the invested capital or capital stock of any entity involved in the decision being made by the commissioner, Commission, or county planning board on which the commissioner serves; or

2. receives a total combined compensation of more than $5,000 a year from any person involved in the decision being made by the commissioner, Commission, or county planning board on which the commissioner serves.

(2) This subsection does not apply to or include:

(i) an interest or investment in land geographically remote from the land involved in the decision;

(ii) the ownership of real property on which the commissioner maintains a primary residence; or

(iii) a possibility of reverter, a mortgage, or other security interest in real property not otherwise described in this subsection.

(3) A commissioner may not:

(i) decide, or participate in, a decision in which the commissioner has a financial interest, whether as an owner, member, partner, officer, employee, stockholder, or other participant of or in any private business or professional enterprise, that will be affected by the decision; or

(ii) knowingly participate in a decision affecting the financial interest, jointly or severally, of a person related to the commissioner or the commissioner's spouse, parent, child, brother, or sister.

(c) A commissioner may not:

(1) act as a broker, agent, attorney, representative, or employee of any person in the person's business dealings with:

(i) Montgomery County;

(ii) Prince George's County;

(iii) the Washington Suburban Sanitary Commission; or

(iv) the Commission;

(2) decide, or participate in, a decision on any matter in which a close business or professional associate has acted as a broker, agent, attorney, representative, or employee of any person or represented private interests before:

(i) Montgomery County;

(ii) Prince George's County;

(iii) the Washington Suburban Sanitary Commission; or

(iv) the Commission; or

(3) represent a private interest or appear in a position of advocacy, other than in the performance of the commissioner's official duties, either in person or through an associate, in any matter or proceeding pending before:

(i) the Montgomery County Council;

(ii) the Prince George's County Council;

(iii) the Washington Suburban Sanitary Commission;

(iv) the Commission;

(v) the Montgomery County Board of Appeals; or

(vi) the Prince George's County Board of Appeals.

(d) A commissioner may not solicit or accept any gift, favor, loan, service, promise, employment, or thing that might influence or tend to influence the proper performance of the commissioner's duty.

(e) A commissioner may not:

(1) disclose confidential information concerning the property, management, or affairs of:

(i) Montgomery County;

(ii) Prince George's County;

(iii) the Washington Suburban Sanitary Commission; or

(iv) the Commission; or

(2) use any information described in item (1) of this subsection to advance the financial or other private interests of the commissioner or other persons.

(f) A commissioner may not attempt to influence for a purpose contrary to this section any other county or State official in the conduct of the other official's duties.

(g) (1) If a commissioner has any interest described in this section that is or reasonably may be incompatible with or in conflict with any of the commissioner's official duties or acts, the commissioner:

(i) shall disclose the interest in a regular public meeting of the Commission or the county planning boards; and

(ii) is disqualified and may not participate in the decision or act affected by the interest.

(2) A disclosure made under paragraph (1) of this subsection shall appear in the minutes of the meeting.

(h) A commissioner who violates any provision of subsections (b) through (f) of this section is guilty of a misdemeanor and on conviction is subject to:

(1) imprisonment not exceeding 6 months or a fine not exceeding $1,000 or both;

(2) suspension from the Commission or employment not exceeding 6 months;

(3) forfeiture and removal from office; or

(4) any combination of the penalties described in items (1) through (3) of this subsection.

§15–121.

(a) This section applies only:

(1) to commissioners appointed from Montgomery County; and

(2) from the date of a commissioner's appointment until the end of the commissioner's tenure on the Commission.

(b) A commissioner may not:

(1) solicit or accept from any person with business before the Commission a financial contribution for any political candidate, political organization, or ballot question; or

(2) solicit from any person with business before the Commission an endorsement of or opposition to a political candidate.

§15–122.

Notwithstanding the requirements of § 5–504 of the General Provisions Article, a former commissioner from Montgomery County may not assist or represent another party for compensation in a matter that was the subject of action before the Montgomery County Planning Board while the commissioner served on the Board for 1 calendar year from the date the commissioner leaves office.

§15–123.

(a) Within the first 3 months following appointment, a commissioner from Montgomery County shall successfully complete:

(1) the training required under § 3–213 of the General Provisions Article;

(2) the Maryland Department of Planning's Planning Commissioner, Planning Board and Board of Appeals Education Course; and

(3) appropriate training on:

(i) Maryland Public Ethics Law; and

(ii) Maryland–National Capital Park and Planning Commission policies and practices on:

1. ethics;

2. drug– and alcohol–free workplace; and

3. workplace harassment and intimidation.

(b) Failure of a commissioner to meet the requirements of subsection (a) of this section does not invalidate a decision made by the Commission or establish a private cause of action.

§15–201.

In this subtitle, "local small business enterprise" means a business enterprise that:

(1) has its principal place of operation in Montgomery County or Prince George's County; and

(2) has been certified as a small business enterprise by a unit of county government that has jurisdiction over procurement in Montgomery County or Prince George's County.

§15–202.

The Commission shall adopt procurement regulations consistent with the standards and methods for source selection provided in Title 13, Subtitle 1 of the State Finance and Procurement Article.

§15–204.

(a) The Commission's procurement regulations may establish a local small business enterprise program to encourage local small business enterprise participation in appropriate procurement activities.

(b) The regulations adopted in accordance with this section may include:

(1) procedures for reliable documentation of a business entity's official designation by Montgomery County or Prince George's County as a local small business enterprise;

(2) procedures to be followed by staff, prospective contractors, and successful bidders or offerors to maximize notice to, and the opportunity to participate in the procurement process by, a broad range of local small business enterprises; and

(3) provisions to:

(i) extend reasonable competitive preferences for local small business enterprises;

(ii) establish procurement goals of utilization of local small business enterprises; and

(iii) reserve particular procurement activities for local small business enterprises under appropriate circumstances.

§15–205.

On or before October 31 each year, the Commission shall report to the Montgomery County and Prince George's County Delegations to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the effectiveness of any local small business enterprise program established under this subtitle.

§15–301.

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

(b) "Contract" means an agreement, commitment, or arrangement made between the Commission and a governmental unit to further the purposes stated in § 15–302 of this subtitle.

(c) "Governmental unit" means:

(1) the National Capital Planning Commission;

(2) the United States government;

(3) the District of Columbia;

(4) the State, including the Washington Suburban Sanitary Commission;

(5) Virginia;

(6) Montgomery County or Prince George's County;

(7) any municipal corporation, local subdivision, or corporation within the State, Virginia, Montgomery County, or Prince George's County; or

(8) any other governmental agency the Commission determines to be appropriate to further the purposes stated in § 15–302 of this subtitle.

§15–302.

The Commission is the representative of the State for purposes of:

(1) acquiring and developing land or other property under this division;

(2) exercising the duties of the State under this division;

(3) complying with § 1(a) and (b) of the Capper–Cramton Act, Public Law 71–284, 46 Stat. 482, for acquiring parklands in the metropolitan district; or

(4) securing funds authorized by the Act or by any other federal, State, or local law.

§15–303.

(a) For the purposes of § 15–302 of this subtitle, the Commission may:

(1) act in conjunction and cooperation with other governmental units; and

(2) enter into contracts with governmental units.

(b) The Commission may not obligate itself or the metropolitan district for expenditures above the amount of money the Commission has or shall receive from bonds, taxes, donations, contributions, or appropriations under this division.

§15–304.

(a) Within a reasonable time after the Commission makes a request, public officials of the State, Montgomery County, and Prince George's County shall furnish the Commission with available information required for Commission work.

(b) The Washington Suburban Sanitary Commission shall:

(1) make available for Commission use the maps, surveys, engineering information, and other records of the Washington Suburban Sanitary Commission; and

(2) when requested by the Commission, furnish engineering services and advice at cost.

§15–305.

(a) The conditions and limitations established in this section apply to contracts or amendments to contracts entered into under this subtitle to acquire parkland in the metropolitan district in accordance with § 1(a) and (b) of the Capper–Cramton Act, Public Law 71–284, 46 Stat. 482.

(b) (1) Except as provided in subsection (d) of this section, the Commission may amend a contract.

(2) An amendment to a contract shall be ratified by the appropriate county council before the amendment becomes binding on the State, the Commission, or the county.

(c) (1) The Commission may enter into a contract with a governmental unit to:

(i) adopt a general or revised plan for the acquisition of parklands in the metropolitan district; and

(ii) specify the method to finance the acquisition.

(2) The appropriate county council shall ratify a contract before the contract becomes binding on the State, the Commission, or the county.

(d) (1) The Commission may enter into a supplemental agreement to a contract or amendment to a contract with a governmental unit in accordance with this subsection.

(2) A supplemental agreement shall:

(i) be for the acquisition of specific units of land in the metropolitan district that comprise portions of the general park plan adopted in the contract or amendment to the contract; and

(ii) specify the financing for the acquisition.

(3) A supplemental agreement for a specific unit of land located in Montgomery County or Prince George's County shall be submitted to the appropriate county council for ratification.

(4) The appropriate county council shall ratify a supplemental agreement if the county finds that:

(i) the boundaries of the unit of land to be acquired under the supplemental agreement are in the general park plan adopted by the contract or amendment that the agreement supplements; and

(ii) the proceeds from the taxes authorized under the supplemental agreement will allow the Commission to satisfy the obligations of the supplemental agreement, including any interest.

(5) In determining whether the Commission will be able to meet an obligation with the proceeds of the taxes authorized under the supplemental agreement, the appropriate county council shall:

(i) compute the proceeds on the assessable basis of the parts of the metropolitan district lying in the county for the fiscal year in which approval is sought; and

(ii) assume that the entire tax imposed will be collected so long as there is an outstanding and unpaid obligation.

(e) (1) The appropriate county council may ratify the supplemental agreement by simple resolution authorizing the chair of the county council to:

(i) endorse the supplemental agreement; and

(ii) execute a guarantee in accordance with this subtitle.

(2) Ratification by the Montgomery County Council is not necessary to approve:

(i) contracts or amendments that are not related to the acquisition of a specific unit of parkland; or

(ii) supplemental agreements to contracts related only to the acquisition of specific units of parkland.

§15–401.

There is an Audit Committee in the Commission.

§15–402.

(a) The Audit Committee consists of five members.

(b) The four voting members of the Audit Committee shall be appointed as follows:

(1) one commissioner who is a member of the Montgomery County Planning Board, appointed by the chair of the Planning Board;

(2) one commissioner who is a member of the Prince George's County Planning Board, appointed by the chair of the Planning Board;

(3) one member of the public who is qualified in accordance with subsection (e) of this section, appointed by the Montgomery County Planning Board; and

(4) one member of the public who is qualified in accordance with subsection (e) of this section, appointed by the Prince George's County Planning Board.

(c) The chair of the Commission shall serve as an ex officio nonvoting member of the Audit Committee who may vote only when there is a tie vote among the voting members.

(d) (1) The term of a voting member of the Audit Committee is 2 years.

(2) The terms of the voting members of the Audit Committee are staggered as required by the terms provided for the Audit Committee on October 1, 2017.

(3) At the end of a term, a voting member continues to serve until a successor is appointed and qualifies.

(4) If a vacancy occurs after a term has begun, the appropriate planning board shall appoint a successor.

(5) A voting member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(e) (1) A member of the Audit Committee who is a member of the public shall possess:

(i) advanced education and experience in the management of governmental entities that are comparable to the Commission in scope and complexity;

(ii) demonstrated knowledge and experience in the application of:

1. generally accepted accounting principles;

2. generally accepted government auditing standards; and

3. internal control systems; and

(iii) an understanding of the appropriate functions of an Audit Committee.

(2) A member of the Audit Committee who is a member of the public may possess demonstrated knowledge and experience in the application of:

(i) sustainable financial management practices for public entities; and

(ii) public accountability.

(3) A member of the Audit Committee who is a member of the public may not have any other business or close personal relationships with the Commission or its officers, managers, or employees.

(f) (1) Before appointing any member of the public to the Audit Committee, the appropriate planning board shall submit the name and qualifications of the proposed nominee for consideration by the county council of that county.

(2) On and after 30 days after a planning board notifies the appropriate county council of a prospective nominee to the Audit Committee under this paragraph, the proposed nominee shall be eligible for appointment to the Audit Committee unless the county council notifies the planning board in writing of an objection to the appointment and the basis for the objection.

(3) If the county council notifies the planning board of an objection to the appointment of a prospective nominee under this subsection, the planning board shall submit the name and qualifications of another prospective nominee for consideration.

(g) The Audit Committee shall elect a voting member who is also a commissioner as chair.

§15–403.

The Audit Committee shall select and appoint:

(1) the independent certified public accountant required to audit the Commission's annual financial report under § 15–115(a)(2) of this title; and

(2) the Inspector General as provided in Subtitle 5 of this title.

§15–404.

(a) Except as provided in subsection (b) of this section, the nonvoting member of the Audit Committee may vote on a decision of the Audit Committee in the event of a tie.

(b) The appointment of the Inspector General may be approved only through a majority of the voting members of the Audit Committee.

§15–405.

(a) The Commission shall adopt regulations to ensure that the Audit Committee operates independently from the management of the Commission.

(b) The Commission may:

(1) adopt rules of procedure; and

(2) delegate other appropriate functions to the Audit Committee.

(c) The regulations adopted under this section may provide for a reasonable stipend to compensate only the members of the Audit Committee who are not also commissioners.

§15–501.

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

(b) (1) "Abuse" means an employee's intentional misconduct or misuse of authority or position:

(i) involving Commission property or funds that is improper or deficient when compared to conduct a prudent person would consider reasonable under the same facts and circumstances; or

(ii) for the purpose of furthering improperly the private interests of the employee, a family member, or a close personal or business associate.

(2) "Abuse" includes:

(i) theft or misappropriation of Commission property or funds; and

(ii) destruction or alteration of official records.

(c) (1) "Fraud" means an intentional act or attempt to obtain something of value from the Commission or another person through willful misrepresentation.

(2) "Fraud" includes a willful false representation of a material fact, whether by words or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which causes the Commission to act, or fail to act, to the detriment of the Commission's interest.

(d) "Office" means the Office of the Inspector General.

(e) "Vendor" means a party obligated by contract or subcontract to provide goods, services, or property to the Commission for consideration, including contracts and subcontracts for construction and professional services related to construction.

(f) (1) "Waste" means an inappropriate act or omission by an employee with control over, or access to, Commission property or funds that unreasonably deprives the Commission of value.

(2) "Waste" includes mismanagement or other unintentional conduct that is deficient or improper when compared to conduct a prudent person would consider necessary to preserve the value of Commission property or funds under the same facts and circumstances.

§15–502.

There is an Office of the Inspector General in the Commission.

§15–503.

(a) (1) The Audit Committee of the Commission shall appoint the Inspector General.

(2) (i) The Audit Committee shall select the Inspector General solely on the basis of professional ability and personal integrity, without regard to political affiliation.

(ii) The Inspector General shall be qualified professionally by experience or education in auditing, government operations, or financial management.

(b) (1) The term of the Inspector General is 4 years beginning on the date of appointment.

(2) An individual may not serve as Inspector General for more than three terms.

(3) The Inspector General may not participate in the merit system adopted by the Commission under Title 16, Subtitle 1 of this article, but:

(i) may participate in any employee benefits program offered by the Commission on the same terms and conditions as it is offered generally to an employee participating in the merit system; and

(ii) the Commission may offer to an individual appointed as Inspector General any supplemental employee benefit programs it determines are necessary to recruit and retain an employee who does not participate in the merit system.

(4) The Commission may remove the Inspector General by resolution adopted by the affirmative vote of not less than three of its members from each county for neglect of duty, malfeasance, conviction of a felony, or other good cause.

(5) The Inspector General shall discharge the duties of office on a full–time basis and with no secondary employment of any nature during their term.

(c) (1) Subject to budget authorization, applicable law, and the personnel regulations of the Commission, the Inspector General may select as subordinate staff of the Office one or more:

(i) temporary term employees who do not participate in the merit system adopted by the Commission under Title 16, Subtitle 1 of this article; and

(ii) other employees who participate in the merit system.

(2) Notwithstanding any provision of the personnel regulations to the contrary, an auditor, accountant, investigator, or similar professional employee appointed as subordinate staff of the Office shall be subject to dismissal by the Inspector General only for neglect of duty, malfeasance, conviction of a felony, or other good cause.

(d) Subject to budget authorization and the applicable procurement regulations, the Inspector General may retain consultants by contract.

§15–504.

(a) The Office shall:

(1) assist the Commission by providing independent evaluation and recommendations regarding opportunities to:

(i) preserve the Commission's reputation; and

(ii) improve the effectiveness, productivity, or efficiency of Commission programs, policies, practices, and operations;

(2) ensure public accountability by preventing, investigating, and reporting instances of fraud, waste, and abuse of Commission property or funds;

(3) examine, evaluate, and report on the adequacy and effectiveness of the systems of internal controls and their related accounting, financial, technology, and operational policies; and

(4) report noncompliance with and propose ways to improve employee compliance with applicable law, policy, and ethical standards of conduct.

(b) In developing recommendations, the Office may:

(1) conduct administrative investigations, budgetary analyses, and financial, management, or performance audits and similar reviews;

(2) provide management advisories; and

(3) utilize the assistance from any other government agency or private party to complete a project initiated by the Office.

(c) When applicable, the Inspector General shall comply with generally accepted government auditing standards.

(d) (1) Except as provided in paragraph (2) of this subsection, the Inspector General shall submit written reports to the Audit Committee and to the Commission for publication on the Commission's Web site.

(2) The Inspector General:

(i) may not disclose any record, report, or related information that is protected from disclosure under the Public Information Act;

(ii) may provide an oral report if appropriate under generally accepted government auditing standards; and

(iii) shall establish and follow procedures for safeguarding the identity of confidential sources and protecting privileged and confidential information.

(3) The Commission shall publish with any report submitted by the Inspector General any official written comments or responses offered by the Commission's management.

(4) The Inspector General shall also submit to the Commission for publication on the Commission's Web site periodic reports that summarize the activities, findings, recommendations, and accomplishments of the Office.

(e) If reasonable grounds exist to believe that a serious violation of federal, State, or local law has occurred, the Inspector General shall report the allegation to:

(1) an appropriate law enforcement agency;

(2) the State Ethics Commission; or

(3) any other agency with jurisdiction to enforce the law.

§15–505.

(a) (1) The Inspector General shall coordinate with the Audit Committee to develop a written work plan and establish periodic goals and priorities for the Office based on an assessment of relative risks.

(2) In developing the work plan, the Inspector General shall take into consideration requests from the planning boards, commissioners, Commission officers, managers, and employees, elected officials, and members of the public.

(3) The Inspector General shall make the written work plan available to the public, subject to the Public Information Act.

(b) In performing the duties authorized under this subtitle, the Inspector General shall coordinate with the park police or other law enforcement agency, agency personnel administrators, the State Ethics Commission, and other internal officials or external entities as appropriate to avoid unnecessary disruption or duplication of effort in conducting any audit, analysis, or administrative investigation.

§15–506.

(a) The Commission shall include in the Commission's annual operating budget proposal the amounts recommended by the Audit Committee for the Office.

(b) Subject to budget authorization and adequate funds:

(1) the Commission's general counsel shall provide legal services to the Inspector General and may employ special counsel if appropriate or required by law; and

(2) the Inspector General may employ and be represented by a special legal counsel without consent of the general counsel if the Audit Committee approves of a request after considering any recommendation or comment offered by the general counsel relating to the request.

§15–507.

(a) (1) On request from the Inspector General, a Commission employee or official shall promptly provide to the Inspector General any available document or other information concerning Commission operations, budget, programs, or vendor contracts.

(2) (i) The Inspector General shall notify the Audit Committee and Commission chair, vice–chair, and executive director if any Commission employee or official fails to provide any information or document requested under this subsection with reasonable promptness.

(ii) The Commission chair, vice–chair, or executive director shall take administrative action to produce compliance with a pending request for information by the Inspector General as warranted and appropriate.

(b) (1) A vendor of the Commission shall provide to the Inspector General any available document or other information concerning any Commission vendor contract, including documents related to the procurement of the contract.

(2) (i) The Inspector General shall promptly notify the Audit Committee and Commission officers if any vendor fails to provide any information or document requested under this subsection with reasonable promptness.

(ii) The Commission officers shall take appropriate administrative or civil action to produce vendor compliance with a pending request for information by the Inspector General.

(c) (1) Each Commission employee should report any fraud, waste, or abuse to the Office.

(2) A Commission employee, vendor, or employee of any vendor may not be retaliated against or penalized, or threatened with retaliation or penalty, for providing information to, cooperating with, or in any way assisting the Inspector General and staff of the Office in connection with any activity authorized under this subtitle.

(3) The Inspector General may not disclose the identity of a person that reports an allegation of fraud, waste, or abuse unless:

(i) the reporting person consents to disclosure of the person's identity;

(ii) disclosure is reasonably necessary to complete an audit or investigation; or

(iii) another person is legally entitled to disclosure of the identity of the reporting person.

(d) The Inspector General or a staff member authorized by the Inspector General may administer an oath or affirmation or take an affidavit from any person if necessary to perform the duties under this subtitle.

(e) The Commission may adopt regulations to carry out the requirements of this section.

§15–508.

(a) The Inspector General, or a staff member authorized by the Inspector General, may administer oaths and take depositions and other testimony for the purpose of investigating fraud, waste, or abuse within the Commission.

(b) The Inspector General may subpoena any person or evidence for the purpose of investigating fraud, waste, or abuse within the Commission.

(c) If a person fails to comply with a lawful order or subpoena issued under this section, on petition of the Inspector General, a court of competent jurisdiction may compel:

(1) compliance with the order or subpoena; or

(2) testimony or the production of evidence.

§16–101.

In this subtitle, "board" means the merit system board of the Commission.

§16–102.

(a) The Commission shall implement a merit system adopted under this subtitle.

(b) The merit system includes each employee of the Commission, except:

(1) the commissioners;

(2) the executive director, secretary–treasurer, and general counsel appointed by the Commission under § 15–109 of this article;

(3) (i) the Inspector General; and

(ii) any temporary term employee of the Office of the Inspector General appointed under § 15–503 of this article;

(4) a part–time or temporary employee under Subtitle 2 or Subtitle 5 of this title;

(5) in Montgomery County, each position excluded under § 20–204(b) of this article; and

(6) in Prince George's County:

(i) the deputy chief of park police as provided in § 17–305 of this article; and

(ii) each director and deputy director as provided in § 20–204(c) of this article.

§16–103.

(a) There is a merit system board of the Commission.

(b) (1) The board consists of three members appointed by the Commission.

(2) Nothing contained in this subtitle requires that an appointment be made for the purpose of rotating majority membership on the board between residents of Montgomery County and Prince George's County.

(3) The Commission may reappoint a member of the board.

(c) (1) Each member of the board:

(i) shall be a resident of the regional district;

(ii) shall be knowledgeable and experienced in personnel matters; and

(iii) may not be a member or employee of the Commission or the executive director, secretary–treasurer, or general counsel appointed by the Commission under § 15–109 of this article.

(2) Not more than two members of the board may reside in the same county.

(d) Each member of the board shall be appointed for a term of 4 years and continue to serve until the member's successor is appointed.

(e) The Commission shall fill each vacancy on the board in the same manner as an original appointment.

(f) The Commission shall designate one member of the board to serve as the chair at the pleasure of the Commission.

§16–104.

The Commission shall set the compensation of the members of the board as authorized by the Commission's budget for each fiscal year.

§16–105.

After proper notice and due consideration, the Commission may remove a member of the board for misfeasance, malfeasance, or nonfeasance in office.

§16–106.

(a) The board shall:

(1) prepare and recommend a compensation plan, a classification plan, and comprehensive regulations governing operation of the merit system; and

(2) submit its recommendations to the Commission for adoption.

(b) (1) The Commission may adopt, disapprove, or modify a recommendation of the board.

(2) If the Commission does not act on a recommendation of the board within 90 days after the date of filing of the recommendation with the Commission, the recommendation is deemed approved.

(c) A recommendation by the board for an amendment to an adopted compensation plan, classification plan, or regulation is subject to subsection (b) of this section.

§16–107.

The Commission may make available to the board its records, facilities, and staff and consultants necessary to carry out the duties of the board.

§16–108.

(a) If the board determines that the testimony of a witness is appropriate for the proper consideration of a case before the board, the board may issue a subpoena to the witness to appear at a proceeding the board conducts in accordance with this subtitle.

(b) If a person fails to comply with a subpoena issued under this section, the board may petition a court of competent jurisdiction to compel compliance with the subpoena.

§16–201.

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

(ii) "Confidential employee" means an employee who acts in a confidential capacity with respect to an individual who formulates, determines, or implements management policies in the field of labor–management relations.

(iii) "Probationary employee" means a merit system employee during the employee's initial probationary period following employment.

(2) The rights granted to Commission merit system employees under this subtitle do not apply to:

(i) attorneys in the General Counsel's office;

(ii) confidential employees;

(iii) employees who are at grade J or above;

(iv) park police officers;

(v) 1. the Inspector General; and

2. any subordinate employee of the Office of the Inspector General appointed under § 15–503 of this article;

(vi) probationary employees; or

(vii) supervisors, as defined in § 2(11) of the National Labor Relations Act, 29 U.S.C. § 152(11).

(b) (1) Commission employees are divided into four bargaining units consisting of:

(i) the office unit that includes office classification titles in which employees are responsible for internal and external communications, recording and retrieving information, and paperwork required in an office;

(ii) the professional/technical unit that includes:

1. professional classification titles in which employees have special or theoretical knowledge that usually is acquired through college training, other training that provides comparable knowledge, or work experience;

2. paraprofessional classification titles in which employees perform, in a supportive role, some of the duties of a professional or technician but that usually require less formal training or experience than those duties performed by those with professional or technical status; and

3. technical classification titles in which employees have a combination of basic scientific or technical knowledge and manual skill that usually are acquired through specialized postsecondary school education or through equivalent on–the–job training;

(iii) the service/labor unit that includes classification titles in which employees perform service and maintenance, may operate specialized machinery or heavy equipment, and whose duties contribute to the comfort and convenience of the public or to the upkeep and care of Commission buildings, facilities, or grounds; and

(iv) the trade unit that includes classification titles in which employees are required to have a special manual skill and a thorough knowledge of processes that are acquired through on–the–job training, experience, apprenticeship, or other formal training programs.

(2) A bargaining unit may not be defined by county boundaries.

(3) If an employee organization is certified to represent more than one bargaining unit, the Commission shall negotiate a single contract with that organization covering all employees the organization represents.

§16–202.

(a) The Commission shall recognize the right of an employee organization, certified under this subtitle as the exclusive representative of a bargaining unit, to represent the employees in the bargaining unit in collective bargaining and in the settlement of grievances.

(b) An employee organization certified as the exclusive representative of a bargaining unit shall:

(1) serve as the sole bargaining agent for the unit in collective bargaining; and

(2) except as provided in subsection (d) of this section, represent all employees in the bargaining unit fairly and without discrimination.

(c) An employee organization meets the requirements of subsection (b)(2) of this section if the employee organization's actions with respect to employees in the bargaining unit are not arbitrary, discriminatory, or in bad faith.

(d) (1) The exclusive representative may require an employee who does not pay membership dues or equivalent fees to pay:

(i) the reasonable costs and fees, including expenses for staff time and materials, arbitrator fees, and related attorney's fees, for filing a grievance or arbitrating a matter that arises under a collective bargaining agreement negotiated under this subtitle brought by the exclusive representative at the request of the employee; and

(ii) any anticipated proportional costs and fees before a grievance is filed or arbitration is pursued.

(2) Failure by the employee to pay the costs and fees required under paragraph (1) of this subsection shall relieve the exclusive representative of any further responsibility to the employee.

(3) A dispute concerning the reasonableness of the costs and fees imposed under paragraph (1) of this subsection shall be submitted to the labor

relations administrator in accordance with the procedures established under § 16–218 of this subtitle for unfair labor practices.

(e) (1) An exclusive representative's duty of fair representation owed to a public employee who is in the bargaining unit shall be limited to the negotiation and enforcement of the terms of the collective bargaining agreement with the public employer.

(2) Nothing in this subsection may be construed to limit an employee organization from providing only to the organization's members legal, economic, or job–related services or benefits outside the collective bargaining agreement.

§16–203.

(a) After a public hearing on the appointment, the Commission shall appoint an experienced neutral third party to serve as labor relations administrator for an initial term of 1 year.

(b) After the term of the labor relations administrator appointed under subsection (a) of this section expires, the exclusive representative and the Commission shall appoint a labor relations administrator for a 2–year term from a list of five nominees on whom they have agreed.

(c) After the term of the labor relations administrator appointed under subsection (a) of this section expires and after a public hearing on the appointment, if no exclusive representative has been certified under this section, the Commission shall appoint the next labor relations administrator for a term not exceeding 1 year.

(d) A labor relations administrator is eligible for reappointment.

§16–204.

(a) An employee organization that is certified or that seeks certification as an exclusive representative under this subtitle shall submit to the labor relations administrator:

(1) a copy of the employee organization's constitution and bylaws; and

(2) any change in the constitution or bylaws.

(b) The constitution or bylaws shall include:

(1) a pledge that the employee organization accepts members without regard to age, marital status, national origin, race, religion, disability, sex, sexual orientation, or gender identity;

(2) the right of members to participate in the affairs of the employee organization;

(3) procedures for periodic elections of officers by secret ballot;

(4) fair procedures governing disciplinary actions;

(5) procedures for the accurate accounting of income and expenditures;

(6) a requirement that a certified annual financial report be produced; and

(7) the right of members to inspect the organization's accounts.

§16–205.

(a) The labor relations administrator shall conduct an election for an exclusive representative after:

(1) an employee organization demonstrates, by petition, that at least 30% of the eligible employees in a bargaining unit support representation by an exclusive representative for collective bargaining; or

(2) an employee or an employee organization demonstrates, by petition, that at least 30% of the eligible employees in a bargaining unit no longer support the current exclusive representative.

(b) (1) At least 30 days before an election under subsection (a) of this section, the labor relations administrator shall obtain from the Commission and provide to the employee organization a list of the names, addresses, and telephone numbers of every employee in the bargaining unit.

(2) The provision of a list under this subsection by the Commission, the labor relations administrator, or a Commission official, employee, or other agent does not constitute a violation of § 4–331 of the General Provisions Article or any State or local law.

(c) Elections shall be conducted by secret ballot containing:

(1) the name of each employee organization that submits a valid petition requiring an election;

(2) the name of any other employee organization supported by a petition signed by at least 10% of the eligible employees in the bargaining unit; and

(3) an option for no representation.

(d) (1) If a petition described in subsection (a)(1) of this section is submitted at the same time that a petition described in subsection (a)(2) of this section is submitted, one election shall be held to determine which employee organization, if any, shall be the exclusive representative.

(2) The ballot shall contain:

(i) the name of the current certified employee organization;

(ii) the name of the petitioning employee organization; and

(iii) an option for no representation.

(e) (1) If none of the choices on the ballot receives a majority of the votes cast, the labor relations administrator shall hold a runoff election.

(2) In the runoff election, the ballot shall contain the two choices that received the highest number of votes cast in the initial election.

(f) After the election, the labor relations administrator shall certify the employee organization that received a majority of the votes cast as the exclusive representative.

(g) If the petitioning employee organization is certified as the result of an election held under subsection (d) of this section, that employee organization shall be treated as a successor in interest and party to any collective bargaining agreement to which the previous employee organization was a party.

(h) The Commission and the employee organization shall share equally the costs of the election procedures.

(i) (1) Elections may not be conducted:

(i) within 1 year after the date of a valid election under this section; or

(ii) except as provided in paragraph (2) of this subsection, during the term of a collective bargaining agreement.

(2) During the term of a collective bargaining agreement, a petition for an election may be filed only during November of the fiscal year in which the agreement expires.

§16–206.

(a) If the Commission and an employee organization dispute the eligibility of an employee in a bargaining unit, the dispute shall be submitted to the labor relations administrator.

(b) The labor relations administrator shall hold evidentiary hearings at which the Commission and interested employee organizations shall have the opportunity to present testimony, documentary and other evidence, and arguments.

(c) The decision of the labor relations administrator is final.

(d) The Commission and the employee organization shall share equally the costs of the hearings.

§16–207.

(a) The Commission and an employee organization certified as exclusive representative shall meet and engage in collective bargaining in good faith regarding:

(1) salary and wages, including the percentage of the increase in the salary and wages budget that will be devoted to merit increments and cash awards, provided that salaries and wages shall be uniform for all employees in the same classification;

(2) pension and other retirement benefits for active employees;

(3) employee benefits such as insurance, leave, holidays, and vacations;

(4) hours and working conditions;

(5) orderly processing and settlement of grievances concerning the interpretation and implementation of a collective bargaining agreement that may include:

(i) binding third party arbitration, under which the arbitrator may not amend, add to, or subtract from the provisions of the collective bargaining agreement; and

(ii) provisions for the exclusivity of forum;

(6) matters affecting the health and safety of employees; and

(7) the effect on employees of the exercise of the Commission's rights and responsibilities under § 16–213 of this subtitle.

(b) This section does not require the Commission or the employee organization to agree to any proposal or to make any concession.

(c) (1) (i) Collective bargaining may not begin later than September 1 before the beginning of a fiscal year for which an agreement has not been reached between the Commission and the exclusive representative.

(ii) Collective bargaining shall conclude on or before the following February 1.

(2) During the period between the dates set in paragraph (1)(i) and (ii) of this subsection, the parties shall negotiate in good faith.

§16–208.

(a) If a party to the collective bargaining considers a bargaining proposal to violate the rights and responsibilities of the Commission under § 16–213 of this subtitle or the rights of Commission employees under § 16–216 of this subtitle or otherwise to violate this subtitle, the party may petition the labor relations administrator for a determination of whether the bargaining proposal constitutes a negotiability dispute that violates this subtitle.

(b) (1) The procedure for resolving a negotiability dispute shall follow the process for reviewing unfair labor practice charges.

(2) Notwithstanding paragraph (1) of this subsection, the labor relations administrator may shorten the time periods or order any appropriate expedited procedure.

(c) The labor relations administrator may order a party to withdraw all or part of a bargaining proposal that violates this subtitle.

(d) Unless petitioned to judicial review on the basis that the decision or order is arbitrary, is capricious, or exceeds the authority of a party, any decision reached and order issued under this subtitle is final.

§16–209.

(a) (1) If the parties have not reached an agreement on or before December 1 on a collective bargaining agreement that would become effective the following July 1, the parties jointly shall appoint a mediator–arbitrator.

(2) If the parties are unable to agree on a mediator–arbitrator, the labor relations administrator shall appoint the mediator–arbitrator on or before December 7.

(3) Notwithstanding appointment of the mediator–arbitrator, this section does not require mediation–arbitration to begin before the date set forth in subsection (c) of this section.

(b) During the course of the collective bargaining:

(1) either party may declare an impasse and request the services of the mediator–arbitrator; or

(2) the parties jointly may request the services of a mediator–arbitrator before an impasse is declared.

(c) If the mediator–arbitrator finds in the mediator–arbitrator's sole discretion that the parties are at a bona fide impasse or on February 1, whichever occurs earlier, the mediator–arbitrator shall direct the parties to submit:

(1) a joint memorandum listing all items to which the parties previously agreed; and

(2) a separate memorandum of each party's last final offer presented in negotiations on all items to which the parties previously did not agree.

(d) (1) On or before February 10, the mediator–arbitrator shall hold a closed hearing on the parties' proposals at a time, date, and place selected by the mediator–arbitrator.

(2) Each party shall submit evidence or make oral and written arguments in support of the party's last final offer.

(3) The mediator–arbitrator may not open the hearing to a person that is not a party to the mediation–arbitration.

(e) (1) On or before February 15, the mediator–arbitrator shall issue a report selecting the final offer submitted by the party that the mediator–arbitrator determines to be more reasonable when viewed as a whole.

(2) In determining which offer is more reasonable, the mediator–arbitrator:

(i) may consider only:

1. past collective bargaining agreements between the parties, including the past bargaining history that led to the agreement or the precollective bargaining history of employee wages, hours, benefits, and other working conditions;

2. a comparison of wages, hours, benefits, and conditions of employment of similar employees of other public employers in the Washington metropolitan area and the State;

3. a comparison of wages, hours, benefits, and conditions of employment of similar employees of private employers in Montgomery County and Prince George's County;

4. the public interest and welfare;

5. the ability of the Commission to finance any economic adjustments required under the proposed agreement;

6. the effects of any economic adjustments on the standard of public services normally provided by the Commission; and

7. the annual increase or decrease in consumer prices for all items as reflected in the most recent Consumer Price Index – Urban Wage Earners and Clerical Workers ("CPI–W") for the Washington Metropolitan Area; and

(ii) shall consider all items on which the parties agreed before the mediation–arbitration began to be integrated into each offer.

(3) (i) The mediator–arbitrator may not receive or consider the history of collective bargaining relating to the immediate dispute, including any offers of settlement not contained in the offer submitted to the mediator–arbitrator.

(ii) The mediator–arbitrator may not compromise or alter the final offer that the mediator–arbitrator selects.

(f) (1) (i) Subject to subparagraph (ii) of this paragraph, the offer selected by the mediator–arbitrator, as integrated with the items on which the parties previously agreed, shall be the final agreement between the Commission and the exclusive representative without ratification by the parties.

(ii) Any terms or conditions of the final agreement that require an appropriation of funds or the adoption of regulations or that have a present or future fiscal impact are subject to approval by the Montgomery County Council and Prince George's County Council.

(iii) The Commission shall request funds in the Commission's final budget from the county councils for all economic provisions of the final agreement.

(2) The parties shall execute an agreement incorporating the final agreement, including arbitration awards and all issues agreed to under this subtitle.

(g) The Commission and the employee organization shall share equally the costs of the mediator–arbitrator's services.

§16–210.

(a) A mediator may be used in the collective bargaining process whenever:

(1) the Commission and the employee organization agree to mediation; or

(2) an impasse results, and the Commission or the employee organization requests mediation.

(b) (1) The mediator shall be selected jointly by the Commission and the employee organization from a list supplied by the American Arbitration Association or the Federal Mediation and Conciliation Service.

(2) If the Commission and the employee organization are unable to agree on the selection of a mediator, the labor relations administrator shall select the mediator.

(c) The Commission and the employee organization shall share equally the costs of mediation.

§16–210.1.

(a) During the term of a collective bargaining agreement:

(1) either party may declare an impasse and request the services of a mediator–arbitrator; and

(2) the parties jointly may request the services of a mediator–arbitrator at any time without declaring an impasse.

(b) (1) If the services of a mediator–arbitrator have been requested, the parties jointly shall appoint a mediator–arbitrator.

(2) If the parties are unable to agree on a mediator–arbitrator, the labor relations administrator shall appoint the mediator–arbitrator within 7 days after the services of a mediator–arbitrator were requested.

(c) If the mediator–arbitrator finds in the mediator–arbitrator's sole discretion that the parties are at a bona fide impasse, the mediator–arbitrator shall direct each party to submit a separate memorandum of each party's last final offer on items with regard to which the parties are in dispute.

(d) (1) Within 10 days after the submission of the memoranda under subsection (c) of this section, the mediator–arbitrator shall hold a closed hearing on the parties' offers at a time, date, and place selected by the mediator–arbitrator.

(2) Each party shall submit evidence or make oral and written arguments in support of the party's final offer.

(3) The mediator–arbitrator may not open the hearing to a person that is not a party to the mediation–arbitration.

(e) (1) Within 5 days after the hearing required under subsection (d)(1) of this section, the mediator–arbitrator shall issue a report selecting the final offer that the mediator–arbitrator determines to be more reasonable when viewed as a whole.

(2) In determining which offer is more reasonable, the mediator–arbitrator:

(i) may consider only:

1. past collective bargaining agreements between the parties, including the past bargaining history that led to the agreement or the

precollective bargaining history of employee wages, hours, benefits, and other working conditions;

2. a comparison of wages, hours, benefits, and conditions of employment of similar employees of other public employers in the Washington metropolitan area and the State;

3. a comparison of wages, hours, benefits, and conditions of employment of similar employees of private employers in Montgomery County and Prince George's County;

4. the public interest and welfare;

5. the ability of the Commission to finance any economic adjustments required under the proposed agreement;

6. the effects of any economic adjustments on the standard of public services normally provided by the Commission; and

7. the annual increase or decrease in consumer prices for all items as reflected in the most recent Consumer Price Index – Urban Wage Earners and Clerical Workers ("CPI–W") for the Washington Metropolitan Area; and

(ii) shall consider all items on which the parties agreed before the mediation–arbitration began to be integrated into each offer.

(3) (i) The mediator–arbitrator may not receive or consider the history of collective bargaining relating to the immediate dispute, including any offers of settlement not contained in the offer submitted to the mediator–arbitrator.

(ii) The mediator–arbitrator may not compromise or alter the final offer that the mediator–arbitrator selects.

(f) (1) (i) Subject to subparagraph (ii) of this paragraph, the offer selected by the mediator–arbitrator, as integrated with the governing collective bargaining agreement at the time of the dispute, shall be the final agreement between the Commission and the exclusive representative without ratification by the parties.

(ii) Any terms or conditions of the final agreement that require an appropriation of funds or the adoption of regulations or that have a present or future fiscal impact are subject to approval by the Montgomery County Council and the Prince George's County Council.

(iii) The Commission shall request funds in the Commission's final budget from the Montgomery County Council and the Prince George's County Council for all economic provisions of the final agreement.

(2) The parties shall execute an agreement incorporating the final agreement, including arbitration awards and all issues agreed to under this section.

(g) The Commission and the employee organization shall share equally the costs of the mediator–arbitrator's services.

§16–211.

(a) The Commission and an employee organization certified as exclusive representative of a bargaining unit shall execute a collective bargaining agreement incorporating all matters agreed.

(b) If a collective bargaining agreement provides for a grievance procedure, that grievance procedure shall be the sole procedure for employees in the bargaining unit.

(c) The collective bargaining agreement may include an agency shop or other union security provision.

(d) The collective bargaining agreement supersedes any conflicting regulation or administrative policy of the Commission.

(e) A single–year or multiple–year collective bargaining agreement shall expire at the close of the appropriate fiscal year.

(f) (1) Except as provided in paragraph (2) of this subsection, a collective bargaining agreement shall be effective on the approval of the Commission and the membership of the employee organization representing the bargaining unit.

(2) The economic requirements of a collective bargaining agreement shall be effective on approval by the Montgomery County Council and Prince George's County Council.

§16–212.

(a) The Commission shall include in its annual proposed operating budget submitted to the county executives of Montgomery County and Prince George's County adequate funding to carry out a collective bargaining agreement.

(b) Unless the Montgomery County Council and Prince George's County Council approve the Commission's budget so as to approve the terms of the collective bargaining agreement, the Commission and the employee organization, within 5 days after the annual joint county council budget meeting under § 18–106 of this article, shall reopen the negotiated agreement and bargain with respect to the provisions of the agreement not approved by the county councils.

(c) If a provision of a collective bargaining agreement is ruled invalid or is not funded by Montgomery County or Prince George's County, the remainder of the agreement remains in effect unless reopened under subsection (b) of this section.

§16–213.

(a) This subtitle and any agreement made under it may not impair the rights and responsibilities of the Commission to:

(1) determine the overall budget and mission of the Commission;

(2) maintain and improve the efficiency and effectiveness of operations;

(3) determine the services to be rendered and the operations to be performed;

(4) determine the location of facilities and the overall organizational structure, methods, processes, means, job classifications, and personnel by which operations are to be conducted;

(5) direct and supervise employees;

(6) hire, select, and establish the standards governing promotion of employees and classify positions;

(7) relieve employees from duties because of lack of work or funds or when the Commission determines continued work would be inefficient or nonproductive;

(8) take actions to carry out the missions of government in emergency situations;

(9) transfer and schedule employees;

(10) determine the size, grades, and composition of the workforce;

(11) set the standards of productivity and technology;

(12) establish employee performance standards and evaluate and assign employees, except that evaluation and assignment procedures shall be a subject for bargaining;

(13) establish and implement systems for awarding outstanding service increments, extraordinary performance awards, and other merit awards;

(14) introduce new or improved technology, research, development, and services;

(15) control and regulate the use of machinery, equipment, and other property and facilities of the Commission, subject to § 16–207(a)(6) of this subtitle;

(16) maintain internal security standards;

(17) create, alter, combine, contract out, or abolish any job classification, operation, department, unit, or other division or service;

(18) suspend, discharge, or otherwise discipline employees for cause, subject to the grievance procedure set forth in a collective bargaining agreement; and

(19) adopt and enforce policies and regulations necessary to carry out this section and all other managerial functions that are not inconsistent with federal or State law or the terms of a collective bargaining agreement.

(b) The Commission may not sign a contract that will displace employees unless the Commission gives written notice to the certified representative at least 90 days before signing the contract or within a different period of time agreed to by the parties.

§16–214.

(a) The Commission may not:

(1) interfere with, coerce, or restrain an employee in the exercise of the employee's rights under this subtitle;

(2) dominate, interfere with, or assist in the formation, administration, or existence of an employee organization or contribute financial assistance or other support to an employee organization;

(3) encourage or discourage membership in an employee organization by discriminating against the employee through hiring, tenure, promotion or demotion, or other conditions of employment;

(4) discharge or discriminate against an employee because the employee has signed or filed an affidavit, petition, or complaint or given any information or testimony under this subtitle; or

(5) refuse to bargain in good faith with an employee organization that is certified as the exclusive representative of a bargaining unit over any subject of bargaining or refuse to participate in good faith in the mediation, fact–finding, or grievance procedure under this subtitle.

(b) Subsection (a)(2) of this section does not prohibit the Commission from allowing employees to negotiate or to confer with the Commission over labor matters during work hours without the loss of pay or time.

§16–215.

(a) An employee organization may not:

(1) interfere with, coerce, or restrain an employee in the exercise of the employee's rights under this subtitle;

(2) cause or attempt to cause the Commission to discriminate against an employee in the exercise of the employee's rights under this subtitle;

(3) coerce, discipline, fine, or attempt to coerce a member of an employee organization as punishment or reprisal;

(4) coerce, discipline, fine, or attempt to coerce a member of an employee organization for the purpose of impeding the member's work performance;

(5) refuse to negotiate in good faith with the Commission as required by this subtitle; or

(6) fail or refuse to cooperate in impasse procedures and impasse decisions as required by this subtitle.

(b) Only an eligible employee may file an unfair labor charge against an employee organization for a violation of subsection (a)(3) or (4) of this section.

§16–216.

(a) Employees of the Commission shall retain the right to:

(1) form, join, or assist an employee organization;

(2) bargain collectively through a representative that the employees have chosen;

(3) engage in other lawful concerted activities for the purpose of collective bargaining; or

(4) refrain from an activity described in this subsection.

(b) An employee may only present a grievance arising under a collective bargaining agreement to the Commission through the employee organization certified as the exclusive representative for the bargaining unit.

§16–217.

(a) In this section, "strike" means the action of an employee, in concert with others, to:

(1) refuse to report to work;

(2) stop or slow down work; or

(3) abstain wholly or partly from the full, faithful, and proper performance of duties when the object is to induce, influence, or coerce a change in the terms, conditions, rights, or privileges of employment.

(b) A Commission employee, a group of Commission employees, or an employee organization may not engage in, induce, initiate, or ratify a strike by Commission employees.

(c) If a strike occurs, a court of competent jurisdiction may enjoin the strike on request of the Commission.

(d) An employee may not receive compensation from the Commission while the employee is engaged in a strike.

(e) (1) If an employee engages in, induces, initiates, or ratifies a strike, the Commission may take appropriate disciplinary action against the employee, including suspension or discharge.

(2) If disciplinary action is taken and appealed, the labor relations administrator shall hold a hearing on the disciplinary action at which the Commission, the employee, and any interested employee organization may present evidence and argument.

(f) (1) If after a hearing an employee organization certified as an exclusive representative is found by the labor relations administrator to have assisted, authorized, or initiated a strike involving the refusal of Commission employees to report for work, the labor relations administrator shall revoke the certification of the employee organization for 1 year after the end of the strike.

(2) If after a hearing an employee organization certified as an exclusive representative is found by the labor relations administrator to have assisted, authorized, or initiated any other type of strike, the labor relations administrator may revoke the certification of the employee organization for up to 1 year after the end of the strike.

§16–218.

(a) It is an unfair labor practice for the Commission or an employee organization certified as an exclusive representative of a bargaining unit to violate the rights of a Commission employee under this subtitle.

(b) Within 30 business days after the alleged violation, the party charging an unfair labor practice shall submit the charge in writing to the party alleged to have committed the unfair labor practice.

(c) Within 15 days after an unfair labor practice charge is submitted, the Commission and the employee organization shall request the labor relations administrator to hold a hearing and determine whether an unfair labor practice has occurred.

(d) The labor relations administrator shall:

(1) issue a finding of facts and conclusion of law;

(2) order the party found to have committed the unfair labor practice to cease and desist from the prohibited practice; and

(3) order all relief necessary to remedy the violation of this subtitle and to otherwise make whole any injured employee or employee organization or the Commission, if injured, including reinstatement, restitution, back pay, or other remedy as necessary to restore the employee, the employee organization, or the Commission to the position or condition it would have been in but for the violation.

(e) The labor relations administrator may not order punitive damages, consequential damages, damages for emotional distress, pain, and suffering, or attorney's fees for purposes of satisfying subsection (d)(3) of this section.

(f) If the labor relations administrator finds that the party charged has not committed an unfair labor practice, the labor relations administrator shall issue an order dismissing the charges.

(g) (1) Subject to paragraph (2) of this subsection, the decision of the labor relations administrator is final.

(2) A party may seek judicial review of the decision on the basis that the decision is arbitrary, capricious, or exceeds the authority of the labor relations administrator.

(h) The Commission and the employee organization shall share equally the costs of any unfair labor practice proceeding.

(i) If the party found to have committed the unfair labor practice fails or refuses to comply with the decision of the labor relations administrator wholly or partly, the charging party may file an action to enforce the order with the circuit court of the county in which any of the involved employees work.

§16–219.

(a) This section applies to the expression of any personal view, argument, or opinion or the making of any personal statement that:

(1) (i) publicizes the fact of a representational election and encourages employees to exercise their right to vote in the election;

(ii) corrects the record with respect to any false or misleading statement made by any person; or

(iii) informs employees of the Commission's policy relating to labor–management relations and representation;

(2) does not contain a threat of reprisal or force, or a promise of benefit; and

(3) was not coerced.

(b) The expression of any personal view, argument, opinion, or statement described in subsection (a) of this section does not constitute:

(1) an unfair labor practice under this subtitle; or

(2) grounds for setting aside any election conducted under this subtitle.

§16–301.

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

(b) "Arbitration" means a procedure by which the parties involved in a grievance submit their differences to an impartial third party for a final and binding decision.

(c) "Bargaining unit" means all employees except a confidential employee.

(d) "Collective bargaining" means the performance by the exclusive representative of the bargaining unit and the Commission of their mutual obligations to negotiate in good faith with respect to wages, hours, and other terms and conditions of employment.

(e) "Collective bargaining agreement" means a written contract between the Commission and an employee organization implementing collective bargaining.

(f) "Confidential employee" means an employee who:

(1) acts in a confidential capacity and formulates and effectuates Commission policies that relate to collective bargaining with employees; or

(2) has access to confidential information not generally available to employees regarding the formulation and effectuation of Commission policies that relate to collective bargaining.

(g) "Employee" means a police officer who is ranked as a sergeant or below employed by the Commission.

(h) "Employee organization" means an organization that has as one of its primary purposes representing employees in collective bargaining.

(i) "Exclusive representative" means an employee organization that has been certified by the Labor Commissioner as representing the employees in the bargaining unit.

(j) "Grievance" means a dispute concerning the application or interpretation of the terms of a collective bargaining agreement or the regulations of the Commission that relate to terms and conditions of employment.

(k) "Impasse" means failure of the Commission and an exclusive representative to enter into a collective bargaining agreement at least 30 days before the day on which the Commission's budget is due for submission to the Montgomery County Council and the Prince George's County Council.

(l) "Labor Commissioner" means the Commissioner of Labor and Industry or the Commissioner's designee.

(m) "Mediation" means assistance by an impartial third party to reconcile a dispute arising out of collective bargaining through interpretation, suggestion, and advice.

(n) "Strike" means the action:

(1) of an employee, in concert with others, to:

(i) refuse to report to work;

(ii) be willfully absent from the employee's position;

(iii) stop or slow down work; or

(iv) abstain wholly or partially from the proper performance of duties; and

(2) taken for the purpose of inducing, influencing, or coercing a change in wages, hours, or other terms and conditions of employment.

§16–302.

(a) The Commission shall recognize the right of an employee organization, certified under this subtitle as the exclusive representative of the bargaining unit, to represent the employees in the bargaining unit in collective bargaining and in the settlement of grievances.

(b) An employee organization certified as the exclusive representative of a bargaining unit shall:

(1) serve as the sole bargaining agent for the bargaining unit in collective bargaining; and

(2) except as provided in subsection (c) of this section, represent all employees in the bargaining unit fairly and without discrimination.

(c) (1) The exclusive representative may require an employee who does not pay membership dues or equivalent fees to pay:

(i) the reasonable costs and fees, including expenses for staff time and materials, arbitration fees, and related attorney's fees, for filing a grievance or arbitrating a matter that arises under a collective bargaining agreement negotiated under this subtitle brought by the exclusive representative at the request of the employee; and

(ii) any anticipated proportional costs and fees before a grievance is filed or arbitration is pursued.

(2) Failure by the employee to pay the costs and fees required under paragraph (1) of this subsection shall relieve the exclusive representative of any further responsibility to the employee.

(3) A dispute concerning the reasonableness of the costs and fees imposed under paragraph (1) of this subsection shall be submitted to the labor relations administrator in accordance with the procedures established under § 16–317 of this subtitle for unfair labor practices.

(d) (1) An exclusive representative's duty of fair representation owed to a public employee who is in the bargaining unit shall be limited to the negotiation and enforcement of the terms of the collective bargaining agreement with the public employer.

(2) Nothing in this subsection may be construed to limit an employee organization from providing only to the organization's members legal, economic, or job–related services or benefits outside the collective bargaining agreement.

§16–303.

(a) (1) Subject to paragraph (2) of this subsection, the Commission and the exclusive representative jointly shall appoint an experienced neutral party, from a list of five nominees on whom they have agreed, to serve as labor relations administrator for a 2–year term.

(2) If an exclusive representative has not been certified to represent employees of the bargaining unit, the Commission shall appoint the labor relations administrator for a term not exceeding 1 year.

(b) A labor relations administrator:

(1) is eligible for reappointment; and

(2) may be the same individual as the labor relations administrator appointed under § 16–203 of this title.

§16–304.

(a) An employee organization that is certified or that seeks certification as an exclusive representative under this subtitle shall:

(1) file with the Commission and the Labor Commissioner a copy of the employee organization's constitution and bylaws; and

(2) report promptly any change in the constitution or bylaws.

(b) The constitution or bylaws shall include:

(1) a pledge that the employee organization accepts members without regard to age, race, sex, sexual orientation, gender identity, religion, marital status, or national origin;

(2) the right of members to participate in the affairs of the employee organization;

(3) procedures for periodic elections of officers by secret ballot;

(4) fair procedures governing disciplinary actions;

(5) procedures for the accurate accounting of income and expenditures;

(6) a requirement that an annual financial report be produced; and

(7) the right of members to inspect the employee organization's accounts.

(c) An employee organization shall file an annual report with the Commission and the Labor Commissioner.

(d) The annual report shall include a financial report that:

(1) is signed by the president and treasurer or corresponding principal officers of the employee organization; and

(2) contains information in detail sufficient to accurately disclose the financial condition and operations of the employee organization.

(e) An employee organization that has not filed an annual report or the constitution and bylaws of which do not conform to the requirements of subsection (b) of this section may not be or remain certified as an exclusive representative under this subtitle.

§16–305.

(a) (1) A petition for an election of an exclusive representative may be submitted to the Labor Commissioner by:

(i) an employee organization that demonstrates that at least 30% of the eligible employees in the bargaining unit support representation by an exclusive representative for collective bargaining;

(ii) an employee, a group of employees, or an employee organization that demonstrates that at least 35% of the eligible employees in the bargaining unit certify that a majority of the eligible employees in the bargaining unit no longer support the current exclusive representative; or

(iii) subject to paragraph (2) of this subsection, the Commission, demonstrating that one or more employee organizations have presented to it a claim, supported by substantial proof, to be certified as the exclusive representative.

(2) The Labor Commissioner may accept a petition from the Commission only if the Labor Commissioner finds, on investigation of the petition, that a valid question of representation exists.

(b) Elections shall be conducted by:

(1) the Labor Commissioner; and

(2) secret ballot.

(c) Each ballot shall contain:

(1) the name of each employee organization that submits a valid petition;

(2) the name of any other employee organization supported by a valid petition signed by more than 10% of the eligible employees in the bargaining unit; and

(3) an option for no representation.

(d) (1) If none of the choices on the ballot receives a majority of the votes cast, the Labor Commissioner shall conduct a runoff election.

(2) In the runoff election, the ballot shall contain the two choices receiving the highest number of votes cast in the initial election.

(e) (1) After the election, the Labor Commissioner shall certify the employee organization that received a majority of the votes cast as the exclusive representative.

(2) An employee organization may not be certified as an exclusive representative except as provided in this subtitle.

(f) Elections may not be conducted within 2 years after a valid election held under this section.

§16–306.

Any dispute about the eligibility of an employee in the bargaining unit shall be submitted to the labor relations administrator for final and binding arbitration.

§16–307.

(a) The Commission and the exclusive representative of the bargaining unit shall engage in collective bargaining.

(b) Subsection (a) of this section does not require the Commission or the exclusive representative to agree to any proposal or to make any concession.

(c) Collective bargaining may include negotiations about the terms of employee retirement systems but not about the hiring practices of the Commission.

(d) (1) (i) Collective bargaining may not begin later than September 1 before the beginning of a fiscal year for which a collective bargaining agreement has not been reached between the Commission and the exclusive representative.

(ii) Collective bargaining shall conclude on or before the following February 4 or any later date determined by mutual agreement of the parties.

(2) During the period between the dates set in paragraph (1)(i) and (ii) of this subsection, the parties shall negotiate in good faith.

(e) (1) If a party to the collective bargaining considers a bargaining proposal to violate the responsibilities of the Commission under § 16–311(a) of this subtitle or the rights of employees under § 16–314 of this subtitle or to otherwise violate this subtitle, the party may petition the labor relations administrator for a determination of whether the bargaining proposal constitutes a negotiability dispute that violates this subtitle.

(2) The labor relations administrator shall resolve a negotiability dispute in accordance with the procedures for resolving an unfair labor practice charge, except that the labor relations administrator may shorten the time periods or order any appropriate expedited procedures.

(3) The labor relations administrator may order a party to withdraw all or part of a bargaining proposal that violates this subtitle.

(4) Unless petitioned to judicial review on the basis that the decision or order is arbitrary, is capricious, or exceeds the authority of a party, any decision made or order issued under this section is final.

(f) (1) A mediator may be used during collective bargaining:

(i) on request of both parties; or

(ii) if an impasse exists, on request of either party.

(2) The mediator shall be selected by the parties from a list supplied by the American Arbitration Association or the Federal Mediation and Conciliation Service.

§16–308.

(a) (1) If the parties to collective bargaining have not reached an agreement on or before December 1 or any later date determined by mutual

agreement of the parties on a collective bargaining agreement that would succeed the existing collective bargaining agreement:

(i) either party may declare a bargaining impasse; and

(ii) the parties jointly shall appoint an arbitrator.

(2) If the parties are unable to agree on an arbitrator, the labor relations administrator shall appoint the arbitrator on or before December 7 or any later date determined by mutual agreement of the parties.

(3) Notwithstanding appointment of the arbitrator, this subtitle does not require arbitration to begin before February 1 or any later date determined by mutual agreement of the parties.

(b) On or before February 1 or any later date determined by mutual agreement of the parties, the arbitrator shall direct the parties to submit:

(1) a joint memorandum listing all items to which the parties previously agreed; and

(2) a separate memorandum of each party's last final offer presented in negotiations on all items to which the parties previously did not agree.

(c) (1) On or before February 10 or any later date determined by mutual agreement of the parties, the arbitrator shall hold a closed hearing on the parties' proposals at a time, date, and place selected by the arbitrator.

(2) Each party shall submit evidence or make oral and written arguments in support of the party's last final offer.

(3) The arbitrator may not open the hearing to a person that is not a party to the arbitration.

(d) (1) On or before February 15 or any later date determined by mutual agreement of the parties, the arbitrator shall issue a report selecting the last final offer submitted by the parties that the arbitrator determines to be more reasonable when viewed as a whole.

(2) In determining which last final offer is more reasonable, the arbitrator may consider only:

(i) past collective bargaining agreements between the parties, including the past bargaining history that led to the collective bargaining agreement

or the precollective bargaining history of employee wages, hours, benefits, and other working conditions;

(ii) a comparison of wages, hours, benefits, and other conditions of employment of police officers in Montgomery County and Prince George's County;

(iii) the public interest and welfare;

(iv) the ability of the Commission to finance any economic adjustments required under the proposed collective bargaining agreement; and

(v) the effects of any economic adjustments on the standard of public services normally provided by the Commission.

(3) In determining which last final offer is more reasonable, the arbitrator shall consider all items on which the parties agreed before the arbitration began to be integrated into each offer.

(4) The arbitrator may not:

(i) receive or consider the history of collective bargaining relating to the immediate dispute, including any offers of settlement not contained in the last final offer submitted to the arbitrator; or

(ii) compromise or alter the last final offer that the arbitrator selects.

(e) (1) Subject to § 16–310(a) of this subtitle, the last final offer selected by the arbitrator, as integrated with the items on which the parties previously agreed, shall be the final agreement between the Commission and the exclusive representative without ratification by the parties.

(2) The parties shall execute a collective bargaining agreement incorporating the final agreement, including arbitration awards and all issues agreed to under this section.

(f) The Commission and the exclusive representative shall share equally the costs of the arbitrator's services.

§16–309.

(a) The Commission and the exclusive representative shall execute a collective bargaining agreement incorporating all matters agreed.

(b) A collective bargaining agreement may include a provision for:

(1) dues and maintenance or service fees paid by payroll deduction; and

(2) the arbitration of grievances arising under the collective bargaining agreement.

(c) The collective bargaining agreement supersedes any conflicting rule, regulation, or administrative policy of the Commission.

§16–310.

(a) (1) The economic provisions of a final collective bargaining agreement are subject to funding by the county councils of Montgomery County and Prince George's County.

(2) The Commission shall request funds in the Commission's final budget from the county councils of Montgomery County and Prince George's County for all economic provisions of a final collective bargaining agreement.

(b) If the request for funds necessary to implement the collective bargaining agreement is reduced, modified, or rejected by the county councils of Montgomery County and Prince George's County, the Commission or the exclusive representative, within 5 days after final budget action by the county councils, shall reopen the negotiated collective bargaining agreement and bargain with respect to the provisions of the collective bargaining agreement not approved by the county councils.

(c) If a provision of a collective bargaining agreement is ruled invalid or is not funded by Montgomery County and Prince George's County, the remainder of the collective bargaining agreement remains in effect unless reopened under subsection (b) of this section.

§16–311.

(a) This subtitle and any collective bargaining agreement made under it may not impair the rights and responsibilities of the Commission to:

(1) determine the overall budget and mission of the Commission;

(2) maintain and improve the efficiency and effectiveness of operations;

(3) determine the services to be rendered and the operations to be performed;

(4) determine the location of facilities and the overall organizational structure, methods, processes, means, job classifications, and personnel by which operations are to be performed;

(5) direct and supervise employees;

(6) hire, select, and establish the standards governing promotion of employees and classify positions;

(7) relieve employees from duties because of lack of work or funds or when the Commission determines continued work would be inefficient or nonproductive;

(8) transfer and schedule employees;

(9) determine the size, grades, and composition of the workforce;

(10) set the standards of productivity and technology;

(11) establish employee performance standards and evaluate and assign employees, except that evaluation and assignment procedures shall be a subject for collective bargaining;

(12) establish and implement systems for awarding outstanding service increments, extraordinary performance awards, and other merit awards;

(13) introduce new or improved technology, research development, and services;

(14) control and regulate the use of machinery, equipment, and other property and facilities of the Commission, subject to negotiation related to matters affecting the health and safety of employees;

(15) maintain internal security standards;

(16) create, alter, combine, contract out, or abolish any job classification, operation, department, unit, or other division or service, subject to subsection (b) of this section;

(17) suspend, discharge, or otherwise discipline employees for cause, subject to the grievance procedure set forth in a collective bargaining agreement; and

(18) adopt and enforce regulations and policies necessary to carry out this section and all other managerial functions that are not inconsistent with federal or State law or the terms of a collective bargaining agreement.

(b) The Commission may not sign a contract that will displace employees in the bargaining unit unless the Commission gives written notice to the exclusive representative of the bargaining unit at least 90 days before signing the contract or within a different period of time agreed to by the parties.

(c) This section may not preclude or impair collective bargaining as to any subject matter included in any written collective bargaining agreement made between the Commission and the exclusive representative of the bargaining unit on or before December 31, 2001.

§16–312.

(a) The Commission, its agents, or its representatives may not:

(1) interfere with, intimidate, restrain, coerce, or discriminate against an employee in the exercise of the employee's rights under this subtitle;

(2) dominate, interfere with, or assist in the formation, administration, or existence of an employee organization or contribute financial or other support to an employee organization;

(3) encourage or discourage membership in an employee organization by discriminating against the employee through hiring, tenure, promotion or demotion, or any term or condition of employment;

(4) discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition, or complaint or given any information or testimony under this subtitle;

(5) refuse to engage in collective bargaining in good faith with the exclusive representative of the bargaining unit as required by § 16–307(d)(2) of this subtitle; or

(6) fail to comply with any provision of this subtitle.

(b) Subsection (a)(2) of this section does not prohibit the Commission from allowing employees to negotiate or confer with an employee organization during work hours without loss of pay or time.

§16–313.

An employee or an employee organization or its agents or representatives may not:

(1) interfere with, intimidate, restrain, coerce, or discriminate against an employee in the exercise of the employee's rights under this subtitle;

(2) cause or attempt to cause the Commission to discriminate against an employee in violation of § 16–312(a)(3) of this subtitle;

(3) refuse to engage in collective bargaining in good faith with the Commission as required by § 16–307(d)(2) of this subtitle if the employee organization has been certified as the exclusive representative of employees in the bargaining unit in accordance with § 16–305 of this subtitle;

(4) engage in a strike in violation of § 16–315(a) of this subtitle; or

(5) fail to comply with any provision of this subtitle.

§16–314.

(a) Employees may:

(1) form, join, or assist an employee organization;

(2) bargain collectively through a representative that the employees have chosen;

(3) engage in other lawful concerted activities for the purpose of collective bargaining; and

(4) refrain from any of the activities described in this subsection.

(b) (1) An employee or group of employees in the bargaining unit may:

(i) present to the Commission at any time a grievance arising under a collective bargaining agreement; and

(ii) have the grievance adjusted without the intervention of the exclusive representative of the bargaining unit.

(2) The Commission shall hear the grievance and participate in its adjustment.

(3) An adjustment may not be inconsistent with the collective bargaining agreement.

(4) The Commission shall give prompt notice of all adjustments to the exclusive representative.

§16–315.

(a) Employees may not engage in a strike.

(b) If a strike occurs, a court of competent jurisdiction may enjoin the strike on request of the Commission.

(c) An employee may not receive compensation from the Commission while the employee is engaged in a strike.

(d) (1) If an employee organization certified as an exclusive representative engages in a strike, the Labor Commissioner shall revoke its certification.

(2) An employee organization that is decertified under paragraph (1) of this subsection or any other employee organization that engages in a strike is ineligible to be certified as an exclusive representative for 1 year after the end of the strike.

§16–316.

(a) This subtitle does not preclude the Commission from entering into a collective bargaining agreement with an exclusive representative that requires an employee, as a condition of employment, to pay a maintenance or service fee as a contribution towards the cost of the negotiation and administration of the collective bargaining agreement.

(b) A maintenance or service fee under subsection (a) of this section may not exceed the annual dues paid to the exclusive representative.

(c) Before the Commission discharges an employee who fails to pay a maintenance or service fee, it shall give the employee:

(1) written notice of the delinquent payment; and

(2) adequate time to correct the delinquency.

(d) If the Commission and an employee are unable to resolve any issue relating to the payment of a maintenance or service fee, the issue shall be submitted to an umpire in accordance with § 16–317 of this subtitle.

§16–317.

(a) Any charge that the Commission, an employee, or an employee organization has engaged in an unfair labor practice shall:

(1) be in writing;

(2) state concisely and simply the facts that are asserted or, if the facts cannot be stated in detail, the issues that are involved; and

(3) be served personally on the party alleged to have engaged in the unfair labor practice within 180 days after the alleged unfair labor practice occurred.

(b) If the party charging an unfair labor practice and the party charged are unable to resolve the matter, the charge shall be submitted to an umpire.

(c) (1) The Commission shall appoint the umpire from a list of five nominees agreed on by the exclusive representative and the Executive Director of the Commission.

(2) The umpire shall serve for a 2–year term and is eligible for reappointment.

(d) The umpire may not be otherwise employed by the Commission or the exclusive representative.

(e) The power of the umpire is exclusive.

(f) The technical rules of evidence do not apply.

(g) The umpire:

(1) shall investigate and attempt to resolve, as provided in this subtitle, a charge of engaging in an unfair labor practice;

(2) shall defer to any valid grievance procedure adopted by the Commission and the exclusive representative for the resolution of disputes subject to the grievance procedure, unless the deferral would result in a violation of the purposes of this subtitle;

(3) shall defer to the Law Enforcement Officers' Bill of Rights for the resolution of disputes subject to that law;

(4) shall recognize fundamental distinctions between private and public employment; and

(5) may not regard State or federal law that is applicable to private employment as controlling precedent.

(h) (1) Based on the preponderance of the evidence, the umpire shall submit written findings of fact and conclusions of law to the parties within 40 days after the day on which the umpire is appointed.

(2) If the umpire determines that a party named in the charges has engaged or is engaging in an unfair labor practice, the umpire shall issue an order requiring the party to cease the practice.

(3) An order may:

(i) include any remedy, including reinstatement of an employee with or without back pay;

(ii) require periodic reports on the extent to which the party found to have engaged in an unfair labor practice has complied with the order; and

(iii) be designed to prevent future unfair labor practices.

(i) (1) Within 30 days after the issuance of a final order, a party who is aggrieved by a final decision of an umpire may file a petition for judicial review of the decision with the Circuit Court for Montgomery County or the Circuit Court for Prince George's County.

(2) The circuit court may not consider evidence that was not offered in the proceeding before the umpire unless the court determines that the failure to offer the evidence should be excused because of extraordinary circumstances.

(3) The circuit court may not overturn the umpire's decision unless the court finds that the umpire's decision is not supported by substantial evidence.

(j) Unless otherwise provided by written agreement, the parties shall share equally the costs of the umpire's services.

(k) (1) A party charging an unfair labor practice may petition the Circuit Court for Montgomery County or the Circuit Court for Prince George's County for enforcement of an order of an umpire.

(2) Unless a petition for judicial review has been filed in accordance with subsection (i) of this section, a petition for enforcement of an order of an umpire may not be used to obtain judicial review of the final decision of the umpire.

§16–318.

If the expression does not contain a threat of reprisal or force, a promise of benefit, or a misrepresentation of fact, an expression of any view, argument, or opinion, whether oral or in written, printed, graphic, or visual form, does not constitute an unfair labor practice under this subtitle.

§16–401.

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

(b) (1) "Adversely affect" means to:

(i) eliminate more than two employee positions assigned to perform bargaining unit work if the positions are:

1. authorized;

2. fully funded; and

3. A. vacant for less than 90 days; or

B. occupied at the time the Commission solicits a service contract; or

(ii) permanently and involuntarily reduce:

1. below the number of hours for regular full–time employment for more than five employees currently assigned to a regular full–time work schedule to perform bargaining unit work when the Commission solicits a service contract;

2. the pay grade for more than five employees currently assigned to a regular full–time work schedule to perform bargaining unit work when the Commission solicits a service contract; or

3. the base pay or fringe benefits otherwise applicable to a job classification covering more than five employees currently assigned on a full–time basis to perform bargaining unit work when the Commission solicits a service contract.

(2) "Adversely affect" does not include an action the Commission takes in accordance with:

(i) a bona fide disciplinary proceeding;

(ii) an applicable collective bargaining agreement in accordance with Subtitle 2 of this title; or

(iii) a reallocation or reassignment to another bargaining unit work or other duties that does not result in a change in job classification or grade.

(c) "Bargaining unit work" means work duties assigned or allocated to a position occupied within the preceding 90 days by an employee who is represented by a certified representative.

(d) "Certified representative" means an employee organization certified as an exclusive representative in accordance with Subtitle 2 of this title.

(e) "Secretary–treasurer" means the secretary–treasurer of the Commission.

(f) "Service contract" means a procurement contract for services that will be provided to the Commission.

§16–402.

(a) This subtitle applies to a service contract that:

(1) the Commission solicits as a management plan intended to adversely affect employees of the Commission represented by a certified representative; and

(2) a procurement officer of the Commission estimates will exceed a yearly cost of $75,000 as calculated under subsection (b) of this section.

(b) The Commission shall adjust the estimate of the yearly cost described in subsection (a)(2) of this section to the nearest $100 every 2 years to reflect any aggregate increase in the Consumer Price Index for all urban consumers, for the Washington Metropolitan Area, or any successor index, for the previous 2 years.

(c) This subtitle does not apply to:

(1) solicitation of a service contract as part of a management plan or program intended to augment bargaining unit work and not for a present or eventual purpose of adversely affecting employees of the Commission represented by a certified representative;

(2) solicitation of a service contract for which the primary purpose is to obtain goods or construction services;

(3) solicitation of a service contract that the Commission's purchasing officials reasonably believe and express in writing may negatively affect the potential for participation by a minority business enterprise according to a minority business enterprise utilization program authorized under Title 15, Subtitle 2 of this article;

(4) solicitation of a service contract for a service provided by a consultant;

(5) solicitation of a service contract for a professional service, unless the scope of service is provided by employees of a bargaining unit when the service contract is solicited;

(6) solicitation of a service contract that the Commission reasonably believes is:

(i) necessary to meet an emergent or imminent threat to public health, welfare, or safety;

(ii) required to comply with the requirements of a grant related to the funding of the service contract; or

(iii) related to the settlement of an insurance claim;

(7) solicitation of a service contract that is in the best interest of an employee based on a need for specialized safety experience or expertise;

(8) solicitation of a service contract for a service provided by a public entity or provided to the Commission in accordance with a public–private partnership with a private entity;

(9) solicitation of a service contract to be awarded on a noncompetitive basis in accordance with applicable laws regarding service contracts awarded on a noncompetitive basis;

(10) a service contract entered into before October 31, 2007;

(11) the renewal or rebidding of a service contract entered into before October 31, 2007, if the renewal or rebidding of the service contract does not result in a greater adverse effect on employees of a bargaining unit than existed before its renewal or rebidding;

(12) solicitation of a service contract for a capital improvement project or asset management project;

(13) solicitation of a class, type, category, or particular service contract that the Commission reasonably believes should be performed by an independent contractor to eliminate a conflict of interest otherwise apparent if the services are performed by an employee of a bargaining unit;

(14) solicitation of a class, type, category, or particular service contract when the need for the service or activity is such that the time necessary for the analysis required under § 16–404 of this subtitle would:

(i) result in damage to property of the Commission;

(ii) result in injury to an individual; or

(iii) substantially hinder the objective of constructing or maintaining safe and sanitary properties and facilities; or

(15) a service contract that the Montgomery County Council or the Prince George's County Council authorizes or requires to be provided by an independent contractor.

(d) This subtitle does not apply to or limit the authority of the Commission to abolish a bargaining unit position or conduct a reduction in force.

§16–403.

Before the Commission solicits a service contract under this subtitle, the secretary–treasurer shall certify that the Commission has complied with §§ 16–404 and 16–405 of this subtitle.

§16–404.

(a) The secretary–treasurer may not certify that the Commission complied with the requirements of this subtitle unless the Commission:

(1) has taken steps to consider alternatives to the service contract, including reorganization, reevaluation of service, and reevaluation of performance;

(2) has consulted with the certified representative of all employees of the Commission who will be adversely affected if the Commission enters into the service contract; and

(3) has demonstrated, based on a cost comparison analysis and good faith estimates, that by entering into the service contract the Commission will save at least an amount equal to the lesser of $200,000 or 20% of the estimated net present value of the cost of the service contract.

(b) The Commission shall estimate and compare at least the following in the cost comparison analysis:

(1) direct costs, including fringe benefits and the assumption that the contractor will pay employees who perform work under the service contract at the lesser of the labor rate established as the county living wage rate for Montgomery County or Prince George's County;

(2) indirect overhead costs properly allocable to the bargaining unit work or service contract according to generally accepted accounting principles; and

(3) costs associated with unemployment compensation or outplacement assistance for displaced employees.

§16–405.

(a) The Commission shall provide at least 60 days' advance notice, and maintain at all times a formal plan of outplacement assistance, for each employee of the Commission who is represented by a certified representative and will be adversely affected by a service contract that is subject to this subtitle.

(b) A plan described in subsection (a) of this section shall include:

(1) efforts to transfer or place each adversely affected employee of the Commission in a vacant position of the Commission that the employee is qualified to perform;

(2) inclusion of a requirement in the service contract that the contractor shall:

(i) notify the Commission of each vacant position for which displaced employees of the Commission may apply; and

(ii) consider and give preference to hiring displaced employees of the Commission; and

(3) written notification of the anticipated adverse effect on one or more job classifications to the certified representative at least 90 days before the anticipated adverse effect will occur.

§16–406.

The certified representative of an adversely affected employee of the Commission may submit a proposal for existing bargaining unit employees to continue performing the services described in a solicitation while achieving the targeted savings.

§16–407.

(a) If the Commission fails to comply with this subtitle and an employee of the Commission is adversely affected, the certified representative of the employee may file an appeal on the record on behalf of the employee before the State Office of Administrative Hearings in accordance with the contested case provisions of the Administrative Procedure Act, Title 10, Subtitle 2 of the State Government Article.

(b) (1) If the administrative law judge finds that the Commission was arbitrary and capricious in soliciting or entering into a service contract that is subject to this subtitle, and the employee of the Commission has been adversely affected, the administrative law judge may award the employee actual damages for back pay and front pay for a combined period of up to 2 years beginning on the date the employee was first adversely affected.

(2) The employee is obligated to mitigate the actual damages.

(3) An award of actual damages authorized under this subsection shall be the sole and exclusive remedy for a violation of this subtitle that is available to the employee, and liability may not accrue for punitive damages, consequential damages, or damages for emotional distress or pain and suffering.

(c) Noncompliance with this subtitle may not invalidate a contract award or proposed contract award that the Commission has otherwise validly awarded or issued.

§16–501.

In this subtitle, "full–time park employee" means an individual employed by the county Parks and Recreation Department who:

(1) works at least 37.5 hours each week, excluding Commission holidays; and

(2) has been employed by the Department for more than 1 year without interruption.

§16–502.

This subtitle applies only in Prince George's County.

§16–503.

The county planning board shall designate a director to coordinate its county recreation program with the Commission's park functions.

§16–504.

The county planning board shall employ full–time park employees and part–time employees as necessary to carry out the functions and programs of Title 25, Subtitle 8 of this article.

§16–505.

(a) The county planning board shall employ full–time park employees under the Commission's merit system, as provided in Subtitle 1 of this title.

(b) Full–time park employees shall receive the same employment benefits that other employees receive under the Commission's merit system, including:

(1) annual leave;

(2) sick leave;

(3) health benefits; and

(4) retirement benefits.

§16–506.

(a) The county planning board may employ part–time or temporary employees for a period of time and at a salary as the county planning board may determine.

(b) The county planning board may accept the services of volunteers without compensation.

§16–507.

(a) Employees employed by the recreation department on July 1, 1970, who are employed under the county merit system shall be employed by the Commission:

(1) to further the functions and programs of Title 25, Subtitle 8 of this article;

(2) in a position classification that the county planning board may establish; and

(3) at a pay grade not less than that held by the employee under the county merit system.

(b) Employees transferred to the Commission under this subtitle shall be given credit for sick and annual leave accrued under the county merit system and for any other benefits, privileges, and rights accrued while employed by the county.

§16–508.

The county planning board may adopt regulations to carry out this subtitle.

§17–101.

(a) The Commission may acquire property for the purposes stated in subsection (b) of this section to carry out the Commission's general plan for the physical development of the metropolitan district.

(b) The purposes for acquisition include:

(1) in the metropolitan district:

(i) parks;

(ii) forests;

(iii) roads; and

(iv) other public ways, grounds, and spaces; and

(2) public recreation, including the construction of public recreation centers, community buildings, or other public buildings necessary to house a public recreation program.

(c) The Commission:

(1) may improve and develop property that it acquires under this section for the purposes stated in subsection (b) of this section; and

(2) controls the maintenance and operation of the property.

(d) A general regulation governing property acquired for a purpose under subsection (b)(1) of this section in either county may not take effect until the regulation receives the affirmative vote of at least three members of the Commission from that county.

§17–102.

(a) This section is for the purpose of preserving and enhancing the scenic beauty of Rock Creek.

(b) Notwithstanding any power of the Commission to acquire property, without the approval of the majority of the members of the Montgomery County Council, on or after July 1, 1969, the Commission may not construct a new road adjacent to Rock Creek within 1500 feet from the banks of the creek.

(c) This section may not be construed to prohibit the construction of a bridge or road necessary to cross Rock Creek.

§17–103.

(a) To finance wholly or partly the acquisition of property under § 17–101(b) of this subtitle, the Commission may receive and expend any contribution or appropriation by the United States, the District of Columbia, the State, any other political subdivision, or any person.

(b) To finance wholly or partly land acquisition, design, development, redevelopment, or revitalization in Prince George's County, the Commission may receive and expend any contribution or appropriation by the United States, the District of Columbia, the State, any other political subdivision, or any person.

§17–104.

(a) Title to lands acquired under § 1(a) of the Capper–Cramton Act, Public Law 71–284, 46 Stat. 482, shall vest in the United States, as provided in that act.

(b) Except as provided in subsection (c) of this section, without the approval of the General Assembly:

(1) title to any other property acquired may not be placed in or granted to the United States or any person or political subdivision other than the metropolitan district itself or the State; and

(2) the control, maintenance, operation, or policing of any other park, forest, road, or other public way, ground, or space in the metropolitan district may not be placed in or granted to the United States or to any other person or political subdivision other than the Commission itself.

(c) In Prince George's County, the title, control, maintenance, or operation of property acquired in the Prince George's County portion of the metropolitan district may be transferred by county local law to:

(1) the redevelopment authority of Prince George's County; or

(2) the revenue authority of Prince George's County.

§17–105.

(a) The Commission may acquire land for the purposes stated in § 17–213 of this title and Title 18, Subtitle 2 of this article outside the metropolitan district but in the regional district.

(b) The Commission may acquire land under subsection (a) of this section if the Commission finds that the acquisition is necessary to preserve any portion of the Commission's regional park plan for the metropolitan district.

(c) (1) To acquire land under this section, the Commission may expend any current funds that may be expended under this division for land acquisition in the metropolitan district for the purposes authorized by this section.

(2) Funds used for land acquisition in the Montgomery County portion of the metropolitan district may include the proceeds of bonds the Commission issues under Title 18, Subtitle 2 of this article.

§17–108.

(a) Whenever the Commission considers it necessary to acquire any property for a purpose stated in § 17–101(b) of this subtitle, the Commission may:

(1) purchase the property from the owner; or

(2) if the Commission fails to agree with the owner, condemn the property by proceedings in the circuit court for the county in which the property is located.

(b) At the same time, the Commission may acquire the interest of any tenant, lessee, or other person having an interest in the property.

§17–109.

The Commission shall condemn property using the procedures for condemnation of land by a public service company in accordance with Title 12 of the Real Property Article.

§17–110.

(a) Subject to subsection (b) of this section, at any time after 10 days after the return and recordation of the verdict or award in the proceedings, the Commission may enter and take possession of the condemned property, notwithstanding any appeal or further proceedings on the part of the defendant.

(b) (1) Before entering the property, the Commission shall pay to the clerk of the circuit court the amount of the award and all costs assessed to date.

(2) At the time of payment, the Commission shall agree to abide by and fulfill any judgment following appeal, or until the time to request an appeal expires.

§17–113.

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

(b) (1) "Business" means a lawful activity conducted primarily:

(i) for the purchase, sale, lease, or rental of property;

(ii) for the manufacture, processing, or marketing of products or other personal property;

(iii) for the sale of services to the public; or

(iv) by a nonprofit organization.

(2) "Business" does not include a farm operation.

(c) "Displaced", with respect to a person, means moving from real property, or moving the person's personal property from real property:

(1) wholly or partly as a result of the Commission's acquisition of the real property; or

(2) as the result of a written order of the Commission to vacate the real property for a public works program or project the Commission undertakes.

(d) "Farm operation" means an activity that:

(1) is conducted primarily for the production of one or more agricultural products, including timber, for sale or home use; and

(2) customarily produces those products in sufficient quantity to be able to contribute materially to the operator's income.

(e) "Relocation payment" means a payment the Commission makes to a displaced person in accordance with this part.

§17–114.

(a) In this section, "average annual net earnings":

(1) means one–half of any net earnings of the business or farm operation, before federal, State, and local income taxes, during:

(i) the 2 taxable years immediately preceding the taxable year when the business or farm operation moves from the real property acquired for the project; or

(ii) a different period the Commission determines to be more equitable for establishing the earnings; and

(2) includes any compensation paid by the business or farm operation to the owner or the owner's spouse or dependents during the period.

(b) A person who is displaced by the acquisition of real property for a program or project the Commission undertakes may apply to the appropriate county planning board for a relocation payment under this section.

(c) The Commission shall make the relocation payment to the displaced person after the county planning board approves the application.

(d) (1) The relocation payment shall include:

(i) actual reasonable expenses to move the person and the person's family, business, farm operation, or other personal property;

(ii) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation; and

(iii) actual reasonable expenses in searching for a replacement business or farm.

(2) The losses payable under paragraph (1)(ii) of this subsection may not exceed the reasonable expenses that would have been required to relocate the property, as determined by the appropriate county planning board.

(e) A displaced person eligible for a relocation payment under subsection (c) of this section who is displaced from a dwelling and who chooses to accept a relocation payment under this subsection instead of a relocation payment under subsection (c) of this section may receive:

(1) a moving expense allowance determined according to a schedule established by the Commission, not to exceed $300; and

(2) a relocation allowance of $200.

(f) (1) Subject to subsection (g) of this section, a displaced person eligible for a relocation payment under subsection (c) of this section who is displaced from the person's place of business or farm operation and who chooses to accept a relocation payment under this subsection instead of a relocation payment under subsection (c) of this section may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation.

(2) A relocation payment under this subsection shall be at least $2,500 and may not exceed $10,000.

(g) A business is not eligible to receive a relocation payment under subsection (f) of this section unless the Commission is satisfied that the business:

(1) cannot be relocated without a substantial loss of its existing patronage; and

(2) is not a part of a commercial enterprise that has at least one other location that:

(i) the Commission is not acquiring; and

(ii) is engaged in the same or a similar business.

§17–115.

(a) In addition to any other authorized payment, the Commission shall make an additional relocation payment not to exceed $15,000 to a person who is displaced from a dwelling that the person owns and has occupied for at least 180 days immediately preceding the start of negotiations to acquire the property.

(b) The additional relocation payment shall include:

(1) any additional amount that, added to the acquisition cost of the dwelling acquired by the Commission, equals the reasonable cost of a comparable replacement dwelling that is a habitable dwelling:

(i) adequate to accommodate the displaced person;

(ii) reasonably accessible to public services and places of employment; and

(iii) available on the private market;

(2) subject to subsection (c) of this section, any additional amount that the displaced person must pay to finance acquisition of a comparable replacement dwelling; and

(3) reasonable expenses the displaced person incurs for title insurance, recording and transfer fees and taxes, and other taxes and closing costs incident to the purchase of the replacement dwelling, other than prepaid expenses.

(c) (1) The Commission shall include financing under subsection (b)(2) of this section in an additional relocation payment only if the dwelling was encumbered by a mortgage that was a valid lien on the dwelling for at least 180 days immediately preceding the start of negotiations to acquire the dwelling.

(2) The amount payable under subsection (b)(2) of this section shall be computed for the period of time remaining under the mortgage on the acquired dwelling as the product of:

(i) the net present value of the difference, if any, between:

1. the interest and other debt service costs to be incurred to finance the replacement dwelling for that period; and

2. those costs that would have been incurred for that period to finance the acquired dwelling; and

(ii) the unpaid principal balance of the mortgage on the acquired dwelling at the time of acquisition divided by the principal amount of the purchase money mortgage on the replacement dwelling.

(3) The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area where the replacement dwelling is located.

(d) The Commission shall make the additional relocation payment only to a displaced person who purchases and occupies a habitable replacement dwelling by the later of:

(1) 1 year after the person receives from the Commission final payment of all costs of the acquired dwelling; or

(2) the date when the person moves from the acquired dwelling.

§17–116.

(a) Whenever the acquisition of real property for a program or project the Commission undertakes will result in a person being displaced, the Commission shall refer each displaced person who needs relocation advisory services to the appropriate county agency that provides those services in accordance with § 12–206 of the Real Property Article.

(b) The agency shall provide relocation advisory services to the displaced person the Commission refers to the agency under the agency's relocation advisory services program.

§17–117.

(a) The Commission may establish regulations and procedures necessary to ensure that:

(1) relocation payments and assistance are administered in a manner that is fair and reasonable and is as uniform as practicable;

(2) a displaced person who makes proper application for a relocation payment for that person shall be paid promptly after a move or, in case of hardship, be paid in advance; and

(3) a person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a relocation payment, may have the person's application reviewed by the appropriate county planning board.

(b) In order to promote uniform and effective administration of relocation assistance and land acquisition, the Commission shall consult State and local agencies providing similar services on the establishment of regulations and procedures for the implementation of the programs.

§17–118.

Payment received under this part may not be considered as income for the purposes of Title 10 of the Tax – General Article.

§17–201.

(a) The State or the Commission, as appropriate, shall hold any land acquired under this division to which it takes title:

(1) for the general benefit of the residents of the State; and

(2) especially for the benefit of the residents in the metropolitan district.

(b) Without the approval of the Commission by resolution:

(1) title to the land may not be conveyed by the State; or

(2) public use may not be terminated.

§17–202.

(a) This division does not limit the police power of the State, either county, or any municipal corporation where any park, road, or public space is located.

(b) The concurrent police power of a municipal corporation extends only to areas located within its boundaries for purposes of this division.

§17–203.

(a) All property acquired by the Commission for any purpose specified in this subtitle and Subtitle 1 of this title is exempt from State, county, and municipal taxes.

(b) All land dedicated to the Commission in accordance with county subdivision regulations is property acquired by the Commission within the meaning of this section.

§17–204.

(a) (1) The Commission may lease to any responsible person any land in the metropolitan district acquired for park purposes under this division.

(2) (i) The term of a lease may not exceed 20 years without the prior approval of the lease by legislative enactment of the county where the lease property is located.

(ii) The initial term of a lease may not exceed 40 years.

(iii) A lease may be renewed for additional terms not exceeding 10 years each.

(3) A lease agreement shall contain provisions for reversion without cost to the Commission of the property and its improvements regardless of whether the improvements were added to the property by the lessee during the term of the lease or any extension of the lease.

(b) (1) The Commission may grant privileges, permits, and concessions, and may enter into contracts relating to them, with any responsible person to engage in any business or enterprise on land in the metropolitan district acquired for park purposes under this division.

(2) Any privilege, permit, or concession granted under this subsection shall be on terms and conditions the Commission considers advantageous to the development of the park system as a part of the plan for the physical development of the metropolitan district and the plan of the regional district within the metropolitan district.

(c) (1) The purpose for which property is leased, or for which a privilege, permit, or concession is granted, may not be inconsistent with the use of the property for park purposes.

(2) Any lease or contract executed under this section shall contain a condition stating specifically the purposes for which the property is leased or for which the privilege, permit, or concession is granted.

(3) An agreement the Commission enters into in accordance with this division shall contain provisions prohibiting the assignment of the agreement without the consent of the Commission.

(d) In Montgomery County, a lease, contract, or agreement entered into under this section may not:

(1) authorize a person other than the Commission to close a park or park facility; or

(2) grant a person other than the Commission the authority to close or require the closing of an existing park or park facility under the jurisdiction of the Commission to prevent competition.

(e) This division does not limit the Commission's authority to require an agreement to contain more restrictive provisions the Commission considers to be in the public interest.

§17–205.

The Commission may transfer any land that it holds under this title and determines not to be needed for park purposes or other purposes authorized under this title.

§17–206.

(a) The Commission:

(1) may sell or otherwise dispose of any playground or recreational facility no longer needed for public use; and

(2) shall use the proceeds of the sale or disposition for the construction, acquisition, or improvement of any other playground or recreational facility in the metropolitan district.

(b) (1) Except for parkland acquired under an agreement with the National Capital Planning Commission, the Commission may exchange playground or recreational land held or acquired by the Commission in its own name or in the name of the State for any other land held or acquired by the United States, the State, or any other public body or agency, which the Commission determines to be more suitable for playground and recreational purposes.

(2) An exchange under this subsection:

(i) may be accompanied by a partial cash payment moving either to or from the Commission; and

(ii) shall be considered an acquisition of land for the public uses provided in this title.

§17–207.

(a) The Commission may adopt regulations for the use of any property under its jurisdiction.

(b) (1) Subject to paragraph (2) of this subsection, on or before June 30, 2016, the Commission shall adopt regulations to prohibit on property under its jurisdiction the smoking of:

(i) a cigarette;

(ii) a cigar; or

(iii) any other tobacco product.

(2) The regulations adopted in accordance with this subsection:

(i) may exclude from the prohibition any designated venue or facility reasonably determined by the Commission to be appropriate for the purpose of generating admission fees, rental fees, or similar charges for use of Commission property; and

(ii) shall provide that the following penalties be imposed:

1. for a first infraction, a warning; and

2. for a second or subsequent infraction, a $25 fine.

(c) (1) The Commission shall:

(i) post the regulations outside each park headquarters building, community center, recreation center, or similar building in a developed park area; and

(ii) after posting the regulations, publish them at least three times within 60 days in one or more newspapers of general circulation published in the metropolitan district.

(2) The posting and publication of the regulations shall be sufficient notice to all persons.

(3) The sworn certificate of a commissioner as to the posting and publication of the regulations is prima facie evidence of posting and publication.

§17–208.

(a) (1) A violation of a regulation under § 17–207 of this subtitle is a Commission infraction unless the violation is declared by law to be a crime.

(2) (i) A Commission infraction is a civil offense.

(ii) The adjudication of a Commission infraction:

1. is not a criminal conviction; and

2. does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(b) (1) A Commission park police officer may deliver a citation to any person charged with a Commission infraction.

(2) The Commission shall:

(i) retain a copy of the citation; and

(ii) include on the citation a certification attesting to the truth of the matter specified in the citation.

(3) The citation shall also contain:

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

(ii) the nature of the infraction;

(iii) the location and time that the infraction occurred;

(iv) the amount of the fine assessed for the infraction;

(v) the manner, location, and time in which the fine may be paid to the Commission; and

(vi) notice of the person's right to a trial for the infraction.

(c) (1) The Commission may:

(i) establish a schedule of fines for each conviction of a Commission infraction;

(ii) impose a fine not to exceed $50 for each conviction of a Commission infraction; and

(iii) impose a fine not to exceed $100 for each repeat violation.

(2) The recipient of a citation for a Commission infraction shall pay the fine to the Commission within 20 days after the receipt of the citation.

(d) (1) If a person who receives a citation for a Commission infraction fails to pay the fine by the payment due date specified in the citation and fails to file a notice of the person's intent to stand trial for the offense, the Commission shall send a notice of the infraction to the person's last known address.

(2) A person who fails to pay the fine within 15 days after the date of the notice is liable for an additional fine not to exceed twice the original fine.

(3) (i) If the fine is not paid within 35 days after the date of notice, the Commission may request adjudication of the case through the District Court.

(ii) The District Court promptly shall schedule the case for trial and summon the defendant to appear.

(e) (1) A person who receives a citation for a Commission infraction may elect to stand trial by filing with the Commission a notice of the person's intent to stand trial.

(2) The notice shall be given at least 5 days before the payment due date specified in the citation.

(3) On receipt of the notice of intent to stand trial, the Commission shall forward to the District Court having venue a copy of the citation and a copy of the notice of intent to stand trial that was filed by the person who received the citation.

(4) On receipt of the citation and the notice of intent to stand trial, the District Court shall schedule the case for trial and notify the defendant and the Commission of the trial date.

(5) The District Court shall remit to the Commission all fines, penalties, or forfeitures the District Court collects for Commission infractions.

(f) A person found by the District Court to have committed a Commission infraction shall pay a fine not to exceed:

(1) $50 for a first violation; or

(2) $100 for a repeat violation.

(g) In a proceeding for a Commission infraction before the District Court, the violation shall be prosecuted in the same manner and to the same extent as provided for municipal infractions under §§ 6–102 through 6–115 of the Local Government Article.

§17–209.

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

(2) "Animal" means any bird or mammal or any part, egg, offspring, or dead body part of any bird or mammal.

(3) "Hunt" means to pursue, capture, kill, gig, trap, shoot, or attempt to pursue, capture, kill, gig, trap, or shoot, or in any manner reduce any animal to personal possession.

(b) A person may not hunt an animal on property owned by, operated by, or leased by the Commission without prior written authorization from the Commission.

(c) For the purpose of this section, each animal taken illegally by hunting, offered for purchase, sold, bartered, or exchanged in excess of the bag limit or possessed illegally constitutes a separate violation.

(d) (1) A person who violates this section is guilty of a misdemeanor and on conviction is subject to:

(i) for a first violation, a fine not exceeding $1,500, with costs imposed at the discretion of the court; and

(ii) for each subsequent violation, imprisonment not exceeding 1 year or a fine not exceeding $4,000 or both, with costs imposed at the discretion of the court.

(2) For the purpose of this subsection, a subsequent violation is a violation that:

(i) occurs within 2 years after any prior violation of this section; and

(ii) arises out of a separate set of circumstances.

(3) In addition to the penalties in paragraph (1)(ii) of this subsection, the court may order the license under which the person operated in committing the violation to be suspended for 12 months from the date of the subsequent conviction.

(e) (1) The Commission may adopt regulations necessary to administer and enforce this section.

(2) Violation of any regulation adopted by the Commission under this subsection is a misdemeanor and is punishable as provided in subsection (d) of this section.

(f) (1) The Chief Judge of the District Court may establish, by administrative regulation under § 1–605 of the Courts Article, a schedule of prepayable fines for a first offense misdemeanor violation of this section and regulations adopted under this section.

(2) The amount of a prepayable fine may be not more than the maximum and not less than the minimum criminal penalty established in this section.

(3) By paying a fine set under this section instead of appearing for trial in District Court, a person is voluntarily accepting a conviction for the violation charged.

(g) If the District Court or circuit court imposes a fine for a violation of this section, the court shall collect the fine and remit it to the Commission.

§17–210.

(a) If a park police officer apprehends a person for violating any law punishable as a misdemeanor under § 17–209 of this subtitle, the officer may prepare and sign a written citation.

(b) A citation issued under subsection (a) of this section shall include:

(1) a notice to appear in court;

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

(3) appropriate license numbers, if any;

(4) the violation charged;

(5) the time and place the person shall appear in court; and

(6) other pertinent information the Commission requires.

(c) (1) A person charged under subsection (a) of this section may give a written promise to appear in court by signing the citation prepared by the officer.

(2) An officer shall arrest a person charged under subsection (a) of this section if:

(i) the person does not furnish satisfactory identification;

(ii) the officer has reasonable grounds to believe the person will disregard a written promise to appear; or

(iii) the person refuses to sign a written promise to appear.

(d) A person shall comply with the written promise to appear in court unless the person:

(1) posts sufficient collateral for the violation;

(2) pays the fine in advance of trial; or

(3) is represented by counsel in court.

(e) (1) If a person fails to comply with the notice to appear in a citation issued under this section, the court may:

(i) except as provided in paragraph (4) of this subsection, issue a warrant for the person's arrest; or

(ii) after 5 days, notify the court clerk of the person's noncompliance.

(2) On receipt of notice of noncompliance from the court, the clerk shall notify the person by mail at the address indicated on the citation that the court may issue a warrant for the person's arrest unless, within 15 days after the notice is mailed, the person:

(i) pays the fine on the charge as provided for in the original citation and an additional fine of $100 for failing to appear; or

(ii) posts bond or a penalty deposit and requests a new trial date.

(3) If a person fails to pay the fines or post the bond or penalty deposit under paragraph (2) of this subsection, the court may issue a warrant for the person's arrest.

(4) If the original violation is not punishable by imprisonment, the court may not issue a warrant for the person's arrest under this subsection for at least 20 days after the original trial date.

§17–211.

The Commission may assign living quarters in a house or building in its jurisdiction to a person:

(1) connected with the Commission; and

(2) having the duties of caretaker or supervisory attention over the house or building.

§17–212.

(a) The Commission may:

(1) except as provided in subsection (c) of this section, name and rename any street or highway and number and renumber the houses in the regional district if each new number or change of number is reported to the owner or occupant of the building for the purpose of:

(i) correcting mistakes;

(ii) removing confusion because of a duplication of street names; and

(iii) securing a uniformity of street names and numbering of houses;

(2) place or have placed new numbers on the buildings or premises and proper signs indicating the names of streets and highways; and

(3) appropriate and expend as much of any surplus from fees for building permits issued in each county as is necessary to pay for the expenses in carrying out this section.

(b) (1) The Commission may adopt reasonable regulations for carrying out any changes in street or highway names or the numbering of houses.

(2) A violation of a regulation adopted under this subsection is a misdemeanor punishable under the general penalty provisions of this division.

(c) (1) The Commission may not rename any street or renumber any house located in a municipal corporation in Prince George's County unless the proposed change is approved by the legislative body of the municipal corporation.

(2) (i) Any party aggrieved by the refusal of a municipal corporation to approve a proposed change may appeal to the Prince George's County Council.

(ii) After public hearing and on a finding of need for public health, safety, and welfare, the County Council by resolution may authorize the change notwithstanding the objections of the municipal corporation.

(iii) The resolution shall require the affirmative vote of two–thirds of all the members of the County Council.

§17–213.

(a) (1) If in the Commission's judgment it is necessary to provide for flood control in the metropolitan district, the Commission may condemn land and easements necessary in the construction of levees and other flood control works.

(2) The condemnation proceedings shall be in accordance with the general powers provided in this division.

(3) The Commission may assume all damages incident to any flood control works or improvements that it finds necessary to construct, except damages to land and easements of railroads or other public utilities.

(4) The Commission may agree to:

(i) furnish, without cost to the United States, all land and easements that may be necessary in the construction of any flood control works or improvements; and

(ii) take over, operate, and maintain the works when constructed.

(b) The Commission may use for park purposes the land acquired for flood control and navigation projects as provided in Title 25, Subtitle 7 of this article.

§17–214.

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

(2) "High performance building" means a building that:

(i) meets or exceeds the current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating System Silver rating; or

(ii) achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretary of Budget and Management and the Secretary of General Services.

(3) "Major renovation" means the renovation of a building where:

(i) the building shell is to be reused for the new construction;

(ii) the heating, ventilating, and air–conditioning (HVAC), electrical, and plumbing systems are to be replaced; and

(iii) the scope of the renovation is 7,500 square feet or greater.

(b) It is the intent of the General Assembly that, to the extent practicable:

(1) the Commission shall employ green building technologies when constructing or renovating a Commission–owned building not subject to this section; and

(2) high performance buildings shall meet the criteria and standards established under the "High Efficiency Green Building Program" adopted by the Maryland Green Building Council.

(c) Except as provided in subsections (d) and (e) of this section, if a capital project includes the construction or major renovation of a building that is 7,500 square feet or greater, the building shall be constructed or renovated to be a high performance building.

(d) The following types of buildings are not required to be constructed or renovated to be high performance buildings:

(1) warehouse and storage facilities;

(2) garages;

(3) maintenance facilities;

(4) transmitter buildings;

(5) cabins, pavilions, and other structures intended for open air or rustic uses;

(6) buildings of historic significance; and

(7) other similar types of buildings, as determined by the Commission.

(e) (1) The Commission may request from the county where the proposed capital project is located a waiver from complying with subsection (c) of this section.

(2) On receipt of a written request of a waiver under this subsection, with approval of the county executive, the county council of the county where the

proposed capital project is located may issue a waiver under this subsection if the county council determines that the use of a high performance building in a proposed capital project is not practicable.

(3) The Commission shall disclose any waiver issued under this subsection in the capital improvements program required under § 18–113 of this article.

§17–301.

The Commission may appoint park police officers as necessary to provide protection for the activities and property of the Commission.

§17–302.

(a) The park police:

(1) possess all the powers and authority vested by existing law in the Montgomery County and Prince George's County police;

(2) are responsible to and under the supervision of the Commission; and

(3) shall exercise supervisory jurisdiction over the park system.

(b) The park police shall:

(1) prevent crime;

(2) apprehend criminals;

(3) enforce the criminal and motor vehicle laws of the State;

(4) enforce park regulations; and

(5) perform other related duties that the Commission imposes.

§17–303.

(a) The park police have concurrent general police jurisdiction with the Montgomery County and Prince George's County police:

(1) within the parks and other areas under the jurisdiction of the Commission;

(2) within buildings under the jurisdiction of the Commission; and

(3) on the portion of all roads and sidewalks immediately adjacent to property under the jurisdiction of the Commission.

(b) (1) The park police have jurisdiction off park property that may be provided by any reciprocal agreement entered into under § 2–105 of the Criminal Procedure Article.

(2) A reciprocal agreement shall specify the circumstances under which a park police officer may make arrests off of park property.

(3) Notwithstanding § 2–105 of the Criminal Procedure Article, a reciprocal agreement may allow arrests in emergency or nonemergency situations.

§17–304.

The Montgomery County and Prince George's County police have the same general police jurisdiction and responsibility for the apprehension of criminals and detection of crime within the parks and other areas and buildings under the jurisdiction of the Commission as they have elsewhere in their respective counties.

§17–305.

(a) (1) In Prince George's County, the county planning board may appoint a deputy chief of the county division of the park police.

(2) The deputy chief has the same jurisdiction, powers, and authority as park police officers appointed by the Commission.

(b) The deputy chief shall serve at the pleasure of the county planning board.

(c) The county planning board shall set the compensation of the deputy chief.

§17–401.

The Commission may not acquire new land or use land already held by the Commission for the purpose of constructing an administration building without the prior approval of the County Executive and County Council of Montgomery County and the County Executive and County Council of Prince George's County.

§17–402.

(a) The Commission has acquired title to the entire parcel of property known as Glenn Dale Hospital for use in accordance with this section.

(b) (1) The Commission:

(i) shall maintain the approximately 150 acres that have not been developed as part of the existing hospital campus in the Commission's park system; and

(ii) may sell, lease, or otherwise transfer the approximately 60 acres that have been developed as a hospital campus to a person who will adaptively reuse, at a minimum, the main hospital campus buildings on the property by returning the property to a state of utility, through repair and alteration, that:

1. gives the property an efficient and contemporary use; and

2. preserves portions and features of the property that are historically, architecturally, and culturally significant.

(2) If the Commission is unable to find a qualified person to carry out the intent of paragraph (1)(ii) of this subsection, the Commission shall retain possession of the approximately 60 acres until the General Assembly approves an alternate use.

§17–403.

(a) (1) The Commission has received property as a gift under the last will of Violet Blair Janin to establish a public park in memory of Jesup Blair.

(2) The property received under paragraph (1) of this subsection is the portion of the farm, "The Moorings", from the trees fronting on Georgia Avenue and Blair Road, including all improvements.

(3) In accordance with the conditions set forth in the will, the Commission shall:

(i) make ample provision for the maintenance of the property as a public park;

(ii) unless it is absolutely necessary to remove trees in connection with the laying out of the public park, preserve all of the trees on the property; and

(iii) replace any trees on the property that are destroyed or die.

(b) The Commission may possess, manage, control, and maintain the property as a public park and memorial to Jesup Blair by:

(1) preserving trees on the property;

(2) maintaining good order in the public park;

(3) building and maintaining roads, buildings, and conveniences as necessary or advisable;

(4) replacing trees that die or are destroyed; and

(5) taking other actions necessary to maintain the public park in good condition and carry out the purposes of the gift.

(c) The Commission shall make yearly expenditures from the general revenues of the Commission received under this division to pay the cost of the maintenance, development, and use of the public park as necessary to accomplish the purposes of this division.

§18–101.

The public general laws governing the preparation and filing of budgets by State units do not apply to the Commission.

§18–102.

The Commission shall prepare annual capital and operating budgets for each fiscal year beginning on July 1 and ending on June 30 of the subsequent year.

§18–103.

The budgets shall contain:

(1) separately for each county for which items are allocable and for which a tax is imposed, the proposed expenditures and estimates of anticipated revenue;

(2) a complete planning work program for each county in the regional district, including a schedule for the production of all plans and amendments;

(3) items allocable jointly to both counties, including provisions for:

(i) the operation of the units of the Commission established by law; and

(ii) the regional planning program; and

(4) a schedule of recreation activities and programs for Prince George's County in accordance with § 25–806 of this article.

§18–104.

The Commission shall submit the proposed budgets on or before January 15 of each year to the county executives of Montgomery County and Prince George's County.

§18–105.

(a) In Montgomery County, the County Executive shall submit the proposed budgets to the County Council, together with the County Executive's recommendations, on or before March 1 of each year.

(b) In Prince George's County, the County Executive shall submit the proposed budgets to the County Council, together with the County Executive's recommendations, on or before April 1 of each year.

§18–106.

(a) After public notice, each county council shall hold a public hearing on the Commission's proposed budgets at least 21 days after receiving the budgets from the county executive.

(b) On or before June 1 of each year, each county council shall, by resolution:

(1) approve the portion of the budgets allocable to that county, with any alterations made under subsection (c) of this section; and

(2) subject to the requirements and limitations of Subtitles 3 and 4 of this title and Title 21 of this article, impose taxes in the amounts the county council determines to be necessary to finance the portion of the budgets allocable to that county.

(c) Each county council may add to, delete from, increase, or decrease any part of the budgets allocable solely to that county.

(d) (1) Budget items allocable to both counties as submitted by the Commission shall be concurred in by both county councils.

(2) The county councils may concur in additions to, deletions from, increases to, or decreases from budget items allocable to both counties.

(3) Failure of the county councils to concur in any budget item allocable to both counties by June 15 shall constitute approval of the item as submitted by the Commission.

§18–107.

(a) Within 3 calendar days after approval of the budgets, each county council shall submit the budgets to the respective county executive.

(b) Within 10 days after delivery of the budgets by the county council, the county executive may disapprove or reduce any item contained in the budgets or the planning work program.

(c) If the county executive disapproves or reduces any item in the budgets, the county executive shall return the budgets to the respective county council with the reasons for the county executive's disapproval or reduction stated in writing.

(d) (1) Except as provided in paragraph (2) of this subsection, within 30 days after the respective county executive returns the budgets, each county council may, by affirmative vote of six of its members, reapprove or restore any item over the disapproval of the county executive.

(2) In Montgomery County, within 30 days after the county executive returns the budgets, the county council may, by affirmative vote of eight of its members, reapprove or restore any item over the disapproval of the county executive.

§18–108.

(a) After adoption of the budgets by the county councils, the budgets may be amended by resolution by the county councils on their initiative or at the request of the Commission.

(b) Before adopting a budget amendment under this subsection, a county council shall:

(1) receive recommendations from the respective county executive; and

(2) hold a public hearing on reasonable notice to the public.

(c) An amendment to a budget item allocable to both counties is not effective unless it has received the concurrence of both county councils.

§18–109.

(a) Unless approved by either or both county councils, as applicable, after receiving recommendations from either or both county executives, the Commission may not make or authorize an expenditure of funds exceeding 110% of the available approved budget amounts for:

(1) each park and recreation project and each administrative or operating department or function of the Commission, as set forth in each county's legislation approving the budgets; and

(2) each planning project contained in the planning work program for each county.

(b) Except for enterprise funds, the Commission may not exceed the total approved budgets for each of its funds, without the prior approval of either or both county councils, as applicable.

§18–112.

The Commission shall prepare and submit a 6–year capital improvements program:

(1) before November 1 of each odd–numbered calendar year to the County Executive and County Council of Montgomery County; and

(2) before January 15 of each calendar year to the County Executive and County Council of Prince George's County.

§18–113.

The capital improvements program shall:

(1) include a statement of the objectives of the capital programs and the relationship of the programs to the county's adopted long range development plans;

(2) recommend capital projects and a construction schedule;

(3) provide an estimate of cost and a statement of all funding sources; and

(4) include all programmed parkland acquisition, all major park improvement and development, and major acquisition of equipment.

§18–114.

In Montgomery County, the County Executive shall submit recommendations with respect to the Commission's proposed program, including any suggested amendments, revisions, or modifications, to the County Council as part of the comprehensive 6–year capital improvements program required by the county charter in each even–numbered calendar year.

§18–115.

(a) On or before adoption of its annual budget and appropriations resolution, each county governing body shall adopt the 6–year capital improvements program:

(1) each even–numbered calendar year in Montgomery County; and

(2) each year in Prince George's County.

(b) (1) Each county governing body shall hold a public hearing before adopting the 6–year capital improvements program.

(2) The public hearing may be conducted in conjunction with public hearings on the 6–year programs or capital budgets of the county and other units.

(c) (1) Each county governing body may amend, revise, or modify the 6–year capital improvements program.

(2) An amendment, revision, or modification made under this paragraph may not become final until at least 30 days after it is submitted to the Commission for written comment.

§18–116.

In Montgomery County, the County Council may amend an approved 6–year capital improvements program at any time by an affirmative vote of eight of its members.

§18–117.

(a) The Commission's capital budget for each fiscal year may include only projects that fully conform with the part of the most recently adopted 6–year capital improvements program applicable to that year.

(b) (1) Unless the 6–year capital improvements program has been amended in accordance with paragraph (2) of this subsection, a capital project may not be undertaken, wholly or partly, that is not in conformity with the part of the program applicable to that year.

(2) The 6–year capital improvements program may be amended by the county governing body:

(i) on its own initiative or at the request of the Commission; and

(ii) after a public hearing on reasonable notice to the public.

§18–201.

In this subtitle, "bond" means a bond, note, or other evidence of indebtedness issued under this title.

§18–202.

A requirement for signature under this subtitle may be satisfied by manual or facsimile signature.

§18–203.

(a) The Commission may issue and sell bonds in amounts necessary for the purposes under subsection (b) of this section and under regulations the Commission determines.

(b) The Commission may issue the bonds to pay for the acquisition of property in the metropolitan district for the purposes of § 17–101(b) of this article.

(c) The Commission may issue the bonds periodically in one or more series.

(d) (1) Subject to paragraph (2) of this subsection, the amount of bonds outstanding at any time may not exceed an amount that is redeemable within 30 years from the date of issue by the tax authorized and pledged to pay the bonds, to the extent that the tax is proposed to be imposed in Montgomery County or Prince George's County or both.

(2) To determine the amount of bonds that may be outstanding under paragraph (1) of this subsection, the Commission may assume:

(i) future imposition of the tax at the rate established by each county;

(ii) 100% collection of the tax in each fiscal year; and

(iii) the assessed value of property at the time the bonds are issued will remain constant.

(e) The bonds shall:

(1) be registered or coupon bonds in denominations determined by the Commission;

(2) bear interest:

(i) annually at a rate the Commission determines to be advantageous and otherwise in the public interest; and

(ii) payable semiannually or at a time determined by the Commission;

(3) mature within 50 years from the date of issue; and

(4) be issued under the hand and seal of the Commission, by manual or facsimile signature.

(f) Notwithstanding any other law, the Commission may sell the bonds by competitive or negotiated sale in a manner, for a price, and at rates the Commission determines to be in its best interests.

(g) (1) In the issue of bonds, the Commission may provide for the redemption of some or all of the bonds before their stated maturity.

(2) The redemption price of the bonds may be greater than the par value of the bonds.

§18–204.

(a) The bonds shall be issued on the full faith and credit of the Commission and the county guaranteeing the bonds.

(b) (1) If the Commission decides to spend the proceeds of a bond issue throughout the metropolitan district, Montgomery County and Prince George's County shall guarantee the payment of principal of and interest on the bonds.

(2) The following guarantee shall be stated on each bond:

"The payment of interest when due and of the principal on maturity is guaranteed by Montgomery and Prince George's counties, Maryland.".

(3) The county executives of Montgomery County and Prince George's County shall sign the endorsement by manual or facsimile signature on each bond.

(4) If there is any liability under the guarantee, each county's liability shall be in the proportion the assessable basis for that part of the county in the metropolitan district bears to the assessable basis of the whole district.

(c) (1) If the proceeds of a bond issue are to be expended only in or for the benefit of a portion of the metropolitan district that is in Montgomery County, Montgomery County shall guarantee the payment of principal of and interest on the bonds.

(2) The following guaranty shall be stated on each bond:

"The payment of interest when due and of the principal on maturity is guaranteed by Montgomery County, Maryland.".

(3) The County Executive of Montgomery County shall sign the endorsement by manual or facsimile signature on each bond.

(d) (1) If the proceeds of a bond issue are to be expended only in or for the benefit of a portion of the metropolitan district that is in Prince George's County, Prince George's County shall guarantee the payment of principal of and interest on the bonds.

(2) The following guaranty shall be endorsed on each bond:

"The payment of interest when due and of the principal on maturity is guaranteed by Prince George's County, Maryland.".

(3) The County Executive of Prince George's County shall sign the endorsement by manual or facsimile signature on each bond.

§18–205.

(a) Subject to subsections (b) and (c) of this section, if the proceeds of a bond issue are to be expended throughout the metropolitan district, the proceeds shall be expended in the portion of each county in the metropolitan district in the proportion that the assessable base of that portion of either county bears to the assessable base of the entire metropolitan district.

(b) The Commission may issue bonds to carry out the Commission's corporate purposes in the metropolitan district in either county.

(c) (1) The proceeds of the sale of bonds to be expended in or for the benefit of the portion of the metropolitan district in Montgomery County shall be expended only on the recommendation of the commissioners from Montgomery County.

(2) The proceeds of the sale of bonds to be expended in or for the benefit of the portion of the metropolitan district in Prince George's County shall be expended only on the recommendation of the commissioners from Prince George's County.

§18–206.

(a) (1) To accomplish the purposes under § 18–203(b) of this subtitle, the Commission may issue bonds to finance the cost of revenue–producing facilities in Montgomery County or Prince George's County, including:

(i) the cost of acquiring or constructing a facility;

(ii) the cost of enlarging, improving, remodeling, or restoring an acquired facility;

(iii) the cost of surveys, studies, drawings, and architectural and engineering plans and specifications;

(iv) the cost of site assembly, including legal proceedings, title fees, and settlement charges;

(v) the cost of issuance of bonds under this section, including advertising and printing charges and legal fees;

(vi) the cost of interest on the bonds during construction of a facility and for 1 year after completion of the facility; and

(vii) the cost to the Commission of performance of any of the functions under this paragraph by Commission staff.

(2) The Commission may be reimbursed for performance of any of the functions under paragraph (1) of this subsection from the proceeds of the bonds issued to finance the facility with respect to which the services were performed.

(3) The bonds are payable as to principal and interest solely from revenues of the Commission from fees, rates, rents, or other charges received by the Commission for:

(i) the use of the facility; or

(ii) the use of a facility that is not financed by the borrowing.

(4) The Commission may secure any borrowing by a pledge of the revenues.

(b) (1) The Commission may set and periodically amend fees, rates, rentals, or other charges for the use of the Commission's facilities in Montgomery County or Prince George's County:

(i) to provide revenue to pay debt service:

1. on bonds issued under this section to finance the cost of a facility either separately or together with other revenue–producing facilities of the Commission in either county; or

2. on bonds issued to finance the cost of other revenue–producing facilities of the Commission in either county; and

(ii) to pay the expenses of the Commission for the facility, including operating and maintenance expenses, unless the Commission authorizes the use of funds from another source for payment of other expenses.

(2) To sell and secure the bonds of the Commission authorized under this section, the Commission may enter into agreements to set the fees, rates, rentals,

or other charges and the collection and application of the fees, rates, rentals, or other charges.

(c) (1) The Commission may determine the form, terms and conditions, issuance, and sale and delivery of an obligation issued under this section, including:

(i) the interest rate or method of determining the interest rate of the obligation;

(ii) the maturity date of the obligation and any provisions for redemption prior to maturity;

(iii) the price at which the obligation is to be sold, which may be above or below par value; and

(iv) the security for the obligation.

(2) The Commission may sell the bonds by competitive or negotiated sale in a manner, for a price, and at rates the Commission determines to be in its best interests.

(3) Notwithstanding any other law or any recitals in any instruments creating the obligation, the obligations are negotiable instruments.

(4) The chair of the Commission shall execute the obligation on behalf of the Commission by manual or facsimile signature.

(5) The secretary–treasurer of the Commission shall attest to the execution of the obligation by manual or facsimile signature.

(6) The seal of the Commission shall be impressed or imprinted on the obligation.

(7) An officer's signature or facsimile signature on an obligation remains valid even if the officer leaves office before the obligation is delivered.

(d) (1) The Commission may enter into a trust agreement with, and designate as trustee under the trust agreement, a bank with trust powers, or a trust company, located in or outside the State to secure payment of the principal of and interest on an obligation issued under this section.

(2) The trust agreement may provide for:

(i) the deposit of the proceeds of the sale of the obligations secured by the trust agreement with the trustee; and

(ii) the application of the proceeds to pay the cost of the facility financed by the obligations.

(3) The Commission may enter into covenants and agreements in the trust agreement for:

(i) the setting of fees, charges, and rentals for the use and enjoyment of the facility;

(ii) the payment of gross or net revenues from the facility and other funds pledged under this section to the trustee;

(iii) the application of the payments by the trustee to the payment of the principal of and interest on the obligations secured by the trust agreement; and

(iv) the establishment and maintenance of reserves or a sinking fund.

(4) The trust agreement may contain a pledge of and constitute a lien on:

(i) the revenues and funds pledged by the Commission for the payment of obligations issued under this section; and

(ii) the proceeds of sale of the obligations, the investment of the proceeds, and the income or gain resulting from the investment of the proceeds.

(5) The trust agreement may create a security interest for the benefit of the holders of the obligations in the facility that is financed with the proceeds of the obligations, but not in any other facility the revenues from which are pledged by the Commission to the payment of debt service on the obligations.

(6) The trust agreement may provide for the protection of the holders of the obligations if the Commission fails to perform any of the covenants under the agreement, including the right of the trustee to sell any of the facilities at public or private sale and the application of the proceeds of the sale to the payment of the obligations secured by the agreement.

(e) (1) The Commission may apply general funds not otherwise committed to the payment of the principal of and interest on bonds issued under this section, either on maturity or redemption.

(2) The Commission may retire an entire issue of the bonds issued under this subsection from the proceeds of general obligation refunding bonds issued under § 18–207 of this subtitle.

(3) The Commission may:

(i) continue to charge for the use or enjoyment of a facility on the retirement of an issue of bonds from:

1. the revenues of the facility financed by the bonds;

2. other funds of the Commission; or

3. refunding as authorized under § 18–207 of this subtitle; and

(ii) apply the revenues from the charge to any other function, objective, or purpose of the Commission.

(f) (1) The Commission may adopt rules and regulations for the use and enjoyment by the general public of a facility financed under this subsection.

(2) The rules and regulations may not exclude a person that pays the required charge or fee for use and enjoyment of the facility because of creed, race, or gender of the person.

(3) A lease of a facility by the Commission shall contain enforceable covenants by the lessee to comply with this section.

§18–207.

(a) If any bonds are issued under this title subject to redemption or repurchase, the Commission may:

(1) redeem or repurchase the bonds at the stated redemption prices plus accrued interest; and

(2) issue and sell refunding bonds as provided under this section to provide funds for the redemption or repurchase.

(b) (1) The refunding bonds may be:

(i) issued in amounts sufficient to accomplish the redemption or repurchase and in units corresponding to the bonds to be repurchased or refunded; or

(ii) issued in an amount sufficient to provide for the refunding or repurchase of several issues of bonds.

(2) Bonds initially issued on account of lands purchased in Montgomery County or Prince George's County may not be refunded or repurchased through the flotation of a single issue of refunding bonds.

(c) (1) The refunding bonds may be identified as refunding bonds or designated in any other appropriate fashion.

(2) The Commission may determine:

(i) the terms and conditions of the bonds; and

(ii) the manner, method, and place of sale of the bonds.

(3) The maturity date of an issue of bonds may not exceed 60 years from the earliest of the respective dates of issue of the corresponding series of bonds or notes in substitution for which any issue of bonds is issued.

(d) The Commission may:

(1) sell the bonds, at not less than par value, by competitive or negotiated sale in a manner, for a price, and at rates the Commission determines to be in its best interests;

(2) issue the bonds in serial maturity form or with a single fixed date of maturity;

(3) make the bonds redeemable wholly or partly by lot or otherwise after a certain period or date;

(4) issue the bonds subject to registration as to principal and interest or as to principal only;

(5) establish and maintain a sinking fund for the payment of the maturing principal and interest of the bonds;

(6) set the interest rate payable on the bonds at the rate the Commission determines to be advantageous and in the public interest or otherwise establish the manner of determining the interest rate; and

(7) generally determine all of the provisions of the bonds.

(e) (1) Montgomery County and Prince George's County shall guarantee the payment of principal of and interest on the bonds issued under this subsection by endorsement as provided under § 18–204 of this subtitle.

(2) The bonds shall be issued on the full faith and credit of the county guaranteeing them.

(3) The principal of and interest on the bonds shall be paid from the proceeds of the collection of the taxes authorized to provide funds for servicing the bonds in substitution for which the bonds are issued.

(4) The funds needed for principal and interest payments of the bonds authorized may not be preferred in the division of tax proceeds over the funds needed for principal and interest payment or any other issue of bonds payable.

§18–208.

(a) (1) The Commission may borrow money to meet its expenses, including debt service for any bonds issued under this title, within either county by issuing tax anticipation notes.

(2) The tax anticipation notes shall:

(i) bear interest at an annual rate that the Commission determines to be advantageous and in the public interest; and

(ii) be signed by the chair and secretary–treasurer of the Commission by manual or facsimile signature.

(3) The tax anticipation notes may be issued to any bank, institution, or person willing to lend the money.

(b) The Commission may reissue or renew its tax anticipation notes at an interest rate that the Commission determines to be advantageous.

(c) The total amount borrowed under this section and outstanding in any fiscal year may not exceed 75% of the total revenues received by the Commission from

the taxes imposed and derived during the Commission's preceding fiscal year under this title.

(d) Money borrowed during any fiscal year shall be repaid not later than during the next fiscal year from the revenues derived from the taxes under this title.

§18–209.

(a) The revenues derived from the collection of the taxes authorized under this title shall pay the principal of and interest on bonds issued under this title.

(b) (1) If the revenues from the taxes are inadequate to pay the principal of and interest on the bonds, the county guaranteeing the bonds shall impose, in each year the taxes are inadequate, an additional tax on all assessable property in the portion of the metropolitan district in that county sufficient to make up the deficiency.

(2) If the revenues from the additional tax under paragraph (1) of this subsection are inadequate, the county shall impose a tax on all assessable property in the corporate limits of the county sufficient to pay the deficiency in the revenues available to pay the principal of and interest on the bonds.

(c) This division may not be construed to modify the limitations on the powers of the Commission to issue bonds under §§ 18–203 through 18–207 of this subtitle or in any other law.

§18–210.

The principal amount of bonds issued under this title, the interest on the bonds, transfer of the bonds, and any income derived from the bonds, including any profit from the sale or transfer of the bonds, are exempt from State and local taxes.

§18–211.

The sale of the bonds under this title is exempt from §§ 19–205 and 19–206 of the Local Government Article.

§18–301.

Any provision of this subtitle or this division that provides that a tax imposed for the Commission shall be imposed and collected as county taxes are imposed and collected, have the same priority rights, bear the same interest and penalties, and in any other respect be treated the same as a county tax:

(1) applies only to the authority to enforce and collect the tax imposed for the Commission; and

(2) may not be deemed or construed to mean that the tax imposed for the Commission is a county property tax under the Tax – Property Article.

§18–302.

The taxes imposed under this subtitle shall be imposed on property assessed for the purpose of county taxation.

§18–303.

Notwithstanding any provision of charter or law, the taxes authorized under this subtitle are not subject to any limitation on the tax rate or tax revenues of Prince George's County.

§18–304.

(a) (1) The tax required under this subsection:

(i) applies to property in the metropolitan district in Montgomery County; and

(ii) shall be imposed whether any bonds have been issued under this title or whether interest is due on any bonds issued under this title.

(2) Each year, Montgomery County shall impose on each $100 of assessed valuation of:

(i) real property, a tax of 3.6 cents; and

(ii) personal property and operating real property described in § 8–109(c) of the Tax – Property Article, a tax of 9 cents.

(3) Every 60 days the county shall pay to the Commission the tax collected under this subsection.

(4) The Commission may use the revenues from the tax imposed under this subsection, after providing for debt service on bonds issued under Subtitle 2 of this title, to:

(i) police the parks or other areas under its jurisdiction;

(ii) acquire, develop, beautify, or maintain parks or other areas; or

(iii) establish playground and recreational facilities in the parks or other areas.

(b) (1) It is the intent of this subsection to provide the Commission with funds to:

(i) finance the acquisition of parklands in the metropolitan district in Prince George's County from current revenues or by the issue of bonds; and

(ii) maintain, operate, and develop acquired parklands.

(2) The tax required under this subsection:

(i) applies to property in the metropolitan district in Prince George's County; and

(ii) shall be imposed whether any bonds have been issued under this title or whether interest is due on any bonds issued under this title.

(3) Each fiscal year, Prince George's County shall impose on each $100 of assessed valuation of:

(i) real property, a tax of at least 4 cents; and

(ii) personal property and operating real property described in § 8–109(c) of the Tax – Property Article, a tax of at least 10 cents.

(4) Every 60 days the county shall pay to the Commission the tax collected under this subsection.

(5) The Commission shall use the revenues from the tax imposed under this subsection primarily to pay the principal of and interest on any bonds issued by the Commission for the acquisition of parklands in the metropolitan district in Prince George's County as authorized under this title.

(6) The county shall pay to the Commission the tax collected under this subsection whether any principal or interest is due on any bonds issued for the acquisition of parklands or whether any bonds for that purpose have been issued or are outstanding in the fiscal year in which the tax is collected.

(c) (1) The tax authorized under this subsection applies to property in the metropolitan district in Montgomery County and Prince George's County.

(2) Each year the County Council of Montgomery County and the County Council of Prince George's County may impose an ad valorem tax in addition to all other taxes imposed for the benefit of and on behalf of the Commission.

(3) Each county may pay to the Commission the aggregate amount collected under this subsection in the same manner as the county pays other taxes under this subtitle.

(4) The Commission shall use the proceeds of the tax under this subsection to:

(i) acquire, maintain, develop, and operate the park systems in the counties; and

(ii) pay the debt service required by its outstanding bonds or bonds issued in the future.

(5) The Commission shall expend or disburse that proportion of tax collected from Montgomery County in Montgomery County and that proportion collected from Prince George's County in Prince George's County.

(d) (1) The tax authorized under this subsection:

(i) applies to property in the metropolitan district in Montgomery County; and

(ii) shall be in lieu of, and in complete satisfaction of, any obligations of Montgomery County to pay for maintenance of the Commission's park system in accordance with Chapter 761, § 8 of the Acts of 1953 and all agreements executed under the terms of that law.

(2) Each year, in addition to the tax imposed under subsection (a) of this section, Montgomery County shall impose on each $100 of assessed valuation of:

(i) real property, a tax of 0.8 cents; and

(ii) personal property and operating real property described in § 8–109(c) of the Tax – Property Article, a tax of 2 cents.

(e) A tax authorized under this section shall:

(1) be imposed and collected as county taxes are imposed and collected;

(2) have the same priority rights as county taxes;

(3) bear the same interest and penalties as county taxes; and

(4) be treated the same as county taxes in every other respect.

(f) (1) (i) At least 30 days before the end of the fiscal year, the Commission shall certify and submit to the appropriate fiscal officers of the counties the net unexpended balances from money received by the Commission from taxes imposed under this section.

(ii) In Montgomery County, the Commission also shall furnish at the time requested by the County Council an estimate of unexpended balances as of the end of the fiscal year as information for the county's tax resolution.

(2) To calculate the net unexpended balance for each county, the Commission shall deduct, from its actual unexpended cash receipts from taxes collected under this section, an amount equal to the sum of:

(i) the debt service for the next succeeding fiscal year on bonds issued by it and outstanding with respect to property acquired by it in the county;

(ii) the Commission's fixed obligations under contracts the first 6 months of the fiscal year;

(iii) the amounts credited to the Commission's self–insurance fund;

(iv) $200,000 with respect to Montgomery County; and

(v) $150,000 with respect to Prince George's County.

(3) (i) Subject to paragraph (4) of this subsection, when the county receives the certification from the Commission of its net unexpended balance with respect to that county as calculated under paragraph (2) of this subsection, the county may:

1. deduct the net unexpended balance from its estimate of the amount of money to be raised in the next succeeding fiscal year by taxes collected under this section; and

2. impose the tax for the next succeeding fiscal year at a rate that the county estimates will produce the amount calculated under item 1 of this subparagraph.

(ii) The amount calculated under subparagraph (i)1 of this paragraph shall be the amount the county is obligated to pay the Commission in that fiscal year under this section.

(4) The tax rate may not be reduced under this subsection to a rate insufficient to pay debt service on bonds issued by the Commission and guaranteed by the county.

§18–305.

(a) Whenever bonds that the Commission issues under Subtitle 2 of this title for acquisition of property in Montgomery County are sold, the Commission shall promptly certify to the county the amount of bonds issued, the rate of interest, and the maturities.

(b) The revenue from the tax under this section shall be the primary source of revenue for the payment of the principal of and interest on the bonds.

(c) While any bond is outstanding and unpaid, the county shall impose on all property in the county in the metropolitan district an annual tax in an amount sufficient to pay the principal of and interest on the bonds.

(d) The tax shall:

(1) be imposed and collected as county taxes are imposed and collected;

(2) have the same priority rights as county taxes;

(3) bear the same interest and penalties as county taxes; and

(4) be treated the same as county taxes in every other respect.

(e) Montgomery County shall:

(1) collect the tax; and

(2) remit to the Commission the tax collected every 60 days.

§18–306.

(a) The tax required under this section applies to property in Prince George's County.

(b) Each fiscal year, Prince George's County shall impose on each $100 of assessed valuation of:

(1) real property, a tax for recreation of at least 2 cents; and

(2) personal property and operating real property described in § 8–109(c) of the Tax – Property Article, a tax for recreation of at least 5 cents.

(c) Every 60 days the county shall pay to the Commission the tax collected under this section.

(d) The Commission shall use the revenues from the tax imposed under this section to finance its adopted budget to regulate, operate, and maintain recreation functions, programs, facilities, and personnel in Prince George's County as the Commission determines.

§18–307.

(a) The tax required under this section applies to property in the regional district in Montgomery County and Prince George's County.

(b) The purpose of the tax required under this section is for paying the current operating or administrative expenses of the Commission, including the cost of:

(1) the development of any part of the plan of the regional district; and

(2) the exercise of the powers and duties of the Commission.

(c) Each year, each county shall impose on each $100 of assessed valuation of:

(1) real property, a tax of 1.2 cents; and

(2) personal property and operating real property described in § 8–109(c) of the Tax – Property Article, a tax of 3 cents.

(d) (1) There is an administrative fund of the Commission.

(2) The administrative fund consists of:

(i) the revenues from the tax imposed under this section that are paid to the Commission; and

(ii) additional money appropriated or contributed to the Commission for operating or administrative purposes by the two counties, the General Assembly of Maryland, the United States, or private donors.

(3) Operating and administrative expenses of the Commission shall be limited to the money in the administrative fund.

(e) A tax required under this section shall:

(1) be imposed and collected as county taxes are imposed and collected;

(2) have the same priority rights as county taxes;

(3) bear the same interest and penalties as county taxes; and

(4) be treated the same as county taxes in every other respect.

(f) (1) At least 30 days before the end of the fiscal year, the Commission shall certify and submit to the appropriate fiscal officers of the counties the unexpended balances from money received by the Commission from the tax imposed under this section.

(2) (i) If the unexpended balance with respect to either county exceeds the sum of $100,000, that county may:

1. deduct the excess from its estimate of the amount of money to be raised in the next succeeding fiscal year by the imposition of the tax imposed under this section; and

2. impose the tax for the next succeeding fiscal year at a rate that the county estimates will produce the amount calculated under item 1 of this subparagraph.

(ii) The amount calculated under subparagraph (i)1 of this paragraph shall be the amount the county is obligated to pay the Commission for administration in that fiscal year under this section.

(3) On or before the 30th day of the month immediately before the beginning of the fiscal year, the Montgomery County Council and the Prince George's County Council shall set the rate of the tax as authorized under this section.

(4) On or before the 5th day of the month immediately before the beginning of the fiscal year, the Commission shall submit to each county council:

(i) its complete budget estimates for the next fiscal year; and

(ii) statements that justify the administrative budget and administrative tax rate requested by the Commission.

(5) The Commission may use any Commission money in excess of the amount necessary for operating and administrative purposes or not specifically pledged by law in the respective counties of the regional district, in the same proportion as they were collected from these counties, to acquire, develop, maintain, and operate parks in the counties.

(6) The Commission may use any funds not collected in the counties for the best interests of the regional district.

§18–308.

(a) (1) The Montgomery County Council shall impose against all of the property assessed for the purposes of county taxation an annual tax of:

(i) not less than 0.4 cents or more than 1.2 cents on each $100 of assessed valuation of real property; and

(ii) not less than 1 cent or more than 3 cents on each $100 of assessed valuation of personal property and operating real property described in § 8–109(c) of the Tax – Property Article.

(2) The County Council shall impose the tax even if no interest is due on the bonds or notes or no bonds or notes have been issued under Subtitle 2 of this title.

(3) Subject to the limits in paragraph (1) of this subsection, if a tax is imposed under this section, the County Council shall continue to impose a tax sufficient to pay the interest on the bonds as the interest comes due and to pay the principal of the bonds as they mature.

(4) The County Council does not need to impose the tax required under this section if money is available to make the payments in any year and have been applied to or authorized for payment by the Commission.

(5) Every 60 days, the county shall remit the tax collected under this section to the Commission.

(6) The Commission may use any proceeds from the tax that are not used for debt service on the principal and interest of the bonds for:

(i) the Advance Land Acquisition Revolving Funds under Subtitle 4 of this title for the uses specified in this section and Subtitle 4 of this title; or

(ii) payment of debt service bonds issued under this section.

(b) If the Prince George's County Council has approved the issue and sale of bonds under Subtitle 2 of this title, the County Council shall impose an annual amount on all property assessed for the purposes of county taxation that is sufficient to pay the interest on the bonds as they become due and to pay the principal of the bonds as they mature.

(c) Subject to § 18–303 of this subtitle, a tax authorized under this section shall:

(1) be imposed and collected as county taxes are imposed and collected;

(2) have the same priority rights as county taxes;

(3) bear the same interest as county taxes; and

(4) be treated the same as county taxes in every other respect.

§18–309.

(a) (1) Subject to subsection (b) of this section, the Commission may enter into an agreement with the owner of a facility for the generation of electricity that locates in Prince George's County for a negotiated payment by the owner in lieu of taxes imposed on real or personal property of the facility under this subtitle.

(2) An agreement for a negotiated payment in lieu of taxes under this section shall provide that, for the term specified in the agreement:

(i) the owner shall pay a specified amount each year in lieu of the payment of taxes imposed on real or personal property under this subtitle; and

(ii) all or a specified part of the real or personal property at the facility shall be exempt from taxes imposed on real or personal property under this subtitle for the term of the agreement.

(3) An agreement for a negotiated payment in lieu of taxes under this section shall:

(i) be recorded in the land records of Prince George's County; and

(ii) require that the obligation of the owner of a facility for the generation of electricity to make, in a timely manner, a payment in lieu of taxes:

1. be guaranteed by appropriate entities affiliated with the owner of the facility;

2. be a covenant running with the land;

3. create a lien attached to the property and fixtures of the facility that is enforceable in accordance with the Maryland Contract Lien Act; and

4. be secured by a security interest in all or a specified part of the personal property of the owner of the facility that is perfected and enforceable in accordance with Title 9 of the Maryland Uniform Commercial Code.

(b) Before entering into or amending an agreement for a negotiated payment in lieu of taxes under this section, the Commission shall obtain:

(1) certificates endorsed by the Secretary–Treasurer of the Commission and the Director of Finance of Prince George's County affirming that the terms of the agreement are reasonably expected to generate more revenue for the Commission than would be generated if the facility for the generation of electricity did not locate in Prince George's County; and

(2) the affirmative approval of the terms of the agreement by the County Executive, County Council, and Planning Board of Prince George's County, as evidenced by:

(i) an executive order of the County Executive;

(ii) a resolution of the County Council; and

(iii) a resolution of the Planning Board.

(c) Except as otherwise provided in an agreement under this section, a payment in lieu of taxes that the Commission receives shall be distributed to the funds of the Commission in the same proportion that the taxes imposed on real or personal property under this subtitle are distributed during the fiscal year when the payment is received.

(d) As specified in an agreement for a negotiated payment in lieu of taxes under this section, for the term specified in the agreement, the real or personal property at a facility for the generation of electricity that locates in Prince George's County is exempt from the taxes imposed on real or personal property under this subtitle.

§18–310.

The Commission may not enter into an agreement with Prince George's County to pay all or a portion of the property taxes levied by the county under §§ 18–304, 18–306, and 18–307 of this subtitle on the tax increment in an extraordinary development district in the county to the county for deposit into a special fund for an extraordinary development district under § 12–210 of the Economic Development Article until:

(1) the governing body of Prince George's County has adopted a resolution designating the extraordinary development district; and

(2) the Commission has adopted a resolution approving the agreement.

§18–401.

(a) In this section, "Fund" means an Advance Land Acquisition Fund.

(b) There is an Advance Land Acquisition Fund in each county.

(c) The purpose of each Fund is to purchase land and related facilities consistent with the purposes of this section and §§ 18–402 and 18–403 of this subtitle.

(d) The Commission shall administer each Fund.

(e) Each Fund is a special, nonlapsing fund that is not subject to reversion under § 7–302 of the State Finance and Procurement Article or provisions of this division relating to unexpended balances.

(f) Each Fund consists of:

(1) money allocated to the Fund for the respective county in the annual budgets of the Commission under Subtitle 1 of this title;

(2) proceeds of bonds issued under this section and allocated to the Fund;

(3) investment earnings of the Fund; and

(4) any other money from any other source accepted for the benefit of the Fund.

(g) Any investment earnings of a Fund shall be paid into the Fund.

(h) Expenditures from a Fund may be made only in accordance with this section and §§ 18–402 and 18–403 of this subtitle.

(i) (1) At any time after acquiring land, on repayment to the Commission of the amount disbursed by the Commission for the land plus interest, the Commission may transfer the land to:

(i) a construction agency of the State;

(ii) Montgomery County;

(iii) Prince George's County;

(iv) the redevelopment authority of Prince George's County;

(v) the revenue authority of Prince George's County; or

(vi) a municipal corporation or governed special taxing district in Montgomery County or Prince George's County.

(2) The Commission shall place any amount received in repayment for land in the Fund.

(3) (i) If the State construction agency for Montgomery County or a municipal corporation or governed district in Montgomery County determines that

acquired land is not required for a public use specified on the county's plan required under § 18–402(b) of this subtitle, the Commission may use the land as a part of its park system.

(ii) A use of land by the Commission for park or recreation purposes under subparagraph (i) of this paragraph is not a dedication for these purposes.

(iii) If the Commission at any time determines that the land is not needed for park purposes, the Commission may dispose of the land in the manner provided for elsewhere in this division.

(4) (i) If the State construction agency for Prince George's County or a municipal corporation or governed district in Prince George's County, the redevelopment authority for Prince George's County, or the revenue authority of Prince George's County determines that acquired land is not required for public use, the Commission may use the land as a part of its park system, subject to the approval of the Prince George's County Council.

(ii) A use of land by the Commission for park or recreation purposes under subparagraph (i) of this paragraph is not a dedication for these purposes.

(iii) If the Commission at any time determines that the land is not needed for park purposes, the Commission may dispose of the land in the manner provided for elsewhere in this division.

(j) (1) (i) The Commission may issue and sell bonds in amounts it considers necessary for the purposes of the Funds.

(ii) In Prince George's County, the Commission's issuance and sale of bonds concerning the county is subject to approval by the County Council.

(2) (i) Subject to subparagraph (ii) of this paragraph, the amount of the bonds outstanding at any time may not exceed an amount that is redeemable within 30 years from the date of issue by a tax of 1.2 cents on each $100 assessed valuation of real property in Montgomery County and Prince George's County and 3 cents on each $100 assessed valuation of personal property and operating real property described in § 8–109(c) of the Tax – Property Article.

(ii) To determine the amount of bonds outstanding under subparagraph (i) of this paragraph, the Commission may assume:

1. future imposition of the tax at the rate established by each county;

2. 100% collection of the tax in each fiscal year; and

3. the assessed value of property at the time the bonds are issued will remain constant.

(3) The provisions of Subtitle 2 of this title relating to form, interest rate, sale, redemption, guaranty, and liability apply to bonds issued under this subsection.

§18–402.

(a) The Commission may include in its annual budgets provisions for acquiring land needed for public uses in Montgomery County, including:

(1) State highways, streets and roads, and mass transit facilities, including busways and light rail facilities;

(2) schools;

(3) libraries;

(4) parks and recreation centers; and

(5) government buildings.

(b) (1) The Commission shall show each public use to be acquired under this subtitle on the Commission's general or adopted plan for the physical development of the regional district.

(2) An acquisition by the Commission under this section shall receive approval by formal resolution of the district council of Montgomery County.

(c) A public use that is not a State highway, street, road, or mass transit facility may not be within a public construction program at the time that the Commission acquires the land.

(d) The Commission may not acquire a school site under this section without the prior approval of the Montgomery County Board of Education.

§18–403.

(a) The Commission may acquire land in Prince George's County that is needed for State highways, streets, roads, or mass transit facilities that are shown on adopted and approved master plans and are included in the Maryland Transportation Plan described in § 2–103.1 of the Transportation Article.

(b) (1) The Commission may include in its budget provisions for acquiring land needed for public uses in Prince George's County, including:

(i) schools;

(ii) libraries;

(iii) recreation centers;

(iv) health services facilities; and

(v) elder care facilities.

(2) The Commission may not acquire land for any project that is in the capital budget of the approved capital improvement program of Prince George's County.

(c) All land acquisitions by the Commission in Prince George's County are subject to enactment of a local law by the Prince George's County Council.

§18–404.

(a) (1) On request by the Commission, Montgomery County and Prince George's County may grant money to the Commission for any of the purposes of Subtitles 2 and 3 of this title.

(2) The Commission shall use the money granted under this subsection in the county making the grant.

(3) (i) Each year, Montgomery County may not grant more than one–half of the county's share of the State income tax plus one–half the profits of the county dispensary distributed to the county.

(ii) Each year, Prince George's County may not grant more than one–half of the county's share of the State income tax.

(b) The governing body of Montgomery County or Prince George's County may convey, lease, or enter into a contract or agreement with the Commission for use,

development, and maintenance by the Commission of county property for the purposes of this division.

§18–501.

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

(b) "Payment date" means the date of the Commission's check.

(c) "Proper invoice" means an invoice that:

(1) contains:

(i) the contractor's federal employer identification number or Social Security number; and

(ii) the contract or purchase order number or other description of the contract; and

(2) contains or is accompanied by substantiating information and documentation as required by regulation or contract.

(d) "Receipt date" means the date that a proper invoice is received by the Commission.

§18–502.

It is the policy of the Commission that payment under an authorized, written procurement contract shall be made by the Commission to the contractor within 30 days after the receipt date of a proper invoice.

§18–503.

An amount due and payable under an authorized, written procurement contract and in accordance with law that remains unpaid for more than 45 days after the receipt date shall accrue interest:

(1) for the period that begins 31 days after the receipt date; and

(2) at the rate specified in § 11–107(a) of the Courts Article.

§18–504.

The Commission is not liable for the payment of interest under this subtitle:

(1) if a proper invoice for accrued interest is not submitted within 30 days after the payment date of the amount on which the interest accrued;

(2) for more than 1 year and 31 days after the receipt date;

(3) on amounts representing unpaid interest; or

(4) if the Commission determines there is a dispute regarding any material factor in the contract or purchase order.

§19–101.

(a) The area in Montgomery County and Prince George's County within the boundaries specified in this title is known as the Maryland–Washington Metropolitan District.

(b) The metropolitan district is the authority of the Commission for the purposes set forth in this division.

§19–102.

The boundaries of the metropolitan district are the same as existed on October 1, 2012, with the exclusion of:

(1) any property annexed into the City of Rockville, the City of Gaithersburg, or the Town of Washington Grove under Chapter 429 of the Acts of the General Assembly of 2007; and

(2) the City of Greenbelt as it existed on July 1, 2016.

§20–101.

(a) There is a Maryland–Washington Regional District.

(b) The regional district consists of:

(1) the entire area of Montgomery County, subject to the limitations in Subtitle 7, Part I of this title and Title 24, Subtitle 2 of this article; and

(2) the entire area of Prince George's County, except for the City of Laurel as it existed on July 1, 2013.

§20–201.

The commissioners from each county are designated as the Montgomery County Planning Board or the Prince George's County Planning Board, respectively.

§20–202.

(a) (1) Subject to paragraph (2) of this subsection, a county planning board:

(i) is responsible for planning, subdivision, and zoning functions that are primarily local in scope; and

(ii) shall exercise, within the county planning board's jurisdiction, the following powers:

1. planning;

2. zoning;

3. subdivision;

4. assignment of street names and house numbers; and

5. any related matter.

(2) The functions under paragraph (1) of this subsection do not include the regional planning functions of the Commission relating to or affecting the regional district as a planning unit.

(b) (1) A county planning board has exclusive jurisdiction over:

(i) local functions, including:

1. the administration of subdivision regulations;

2. the preparation and adoption of recommendations to the district council with respect to zoning map amendments; and

3. the assignment of street names and house numbers in the regional district; and

(ii) mandatory referrals made in accordance with Subtitle 3, Part I of this title by the county planning board's respective county government or any unit of the county government.

(2) The Montgomery County Planning Board has exclusive jurisdiction over a mandatory referral made in accordance with Subtitle 3, Part I of this title by the County Board of Education, a municipal corporation or special taxing district, or a publicly owned or privately owned public utility.

(c) (1) Subject to paragraph (2) of this subsection, the Montgomery County Planning Board shall:

(i) review the annual capital budgets of the county and future capital budget projections; and

(ii) submit recommendations to the county council.

(2) The county government shall have sole responsibility for the preparation of the capital budgets and programs of public works.

(d) Each county planning board shall:

(1) meet from time to time with its respective county council; and

(2) perform surveys, studies, and other planning duties the county council assigns to the county planning board.

(e) (1) This subsection applies only to the Montgomery County Planning Board.

(2) The Board shall:

(i) except as provided in paragraph (5) of this subsection, stream live video or live teleconference audio or other audio of the open meetings of the Board;

(ii) maintain on its website a complete and unedited archived recording of each open meeting that is livestreamed in accordance with this subsection; and

(iii) notwithstanding § 3–306(b)(2)(i) of the General Provisions Article:

1. prepare minutes of each meeting as soon as practicable after the meeting; and

2. publish and maintain on its website the minutes of each open meeting prepared in accordance with this subsection.

(3) The inability of the Board to comply with paragraph (2)(i) and (ii) of this subsection due to technical failure that entirely prevents or otherwise affects the quality of the live video or audio streaming of a meeting of the Board does not affect the validity of any action taken by the Board during the meeting if:

(i) the Board otherwise complies with this subsection and the Open Meetings Act; and

(ii) the inability to comply is not due to willful action by the Board.

(4) In addition to complying with the minutes requirements of the Open Meetings Act under § 3–306 of the General Provisions Article, if the Board is unable to comply with paragraph (2)(i) of this subsection, the Board shall make good–faith efforts to record an open meeting by video or audio and maintain on its website a complete and unedited archived recording of the meeting.

(5) A project site visit or an educational field tour does not constitute an open meeting under paragraph (2)(i) of this subsection if no organizational business is conducted.

§20–203.

(a) The regional functions within the jurisdiction of the Commission include:

(1) preparation, adoption, and amendment of the general plan or parts of the general plan for the physical development of the regional district in accordance with Title 21 of this article; and

(2) mandatory referrals from the United States or the State, or any unit of the United States or the State, in accordance with Subtitle 3, Part I of this title.

(b) The Commission or the county planning boards may recommend to the proper authorities amendments to the zoning laws, subdivision regulations, and any other rules and regulations authorized in this title.

(c) (1) Subject to paragraph (2) of this subsection, the adoption of a resolution or recommendation relating to a regional matter shall be by a majority vote of the Commission.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the majority vote shall include at least three members from Montgomery County and at least three members from Prince George's County.

(ii) If a regional plan affects only one county, the affirmative vote of three members of the county planning board for the county affected shall control.

§20–204.

(a) Each county planning board shall have administrative control and jurisdiction over personnel performing the duties and functions assigned in this subtitle to the respective county planning board.

(b) In Montgomery County, a director serves at the pleasure of the Montgomery County Planning Board.

(c) (1) In this subsection, "deputy director" includes any position comparable to the position of a deputy director, as the Prince George's County Planning Board determines.

(2) In Prince George's County, a director or deputy director of a department shall have education or professional experience in a field relevant to the responsibilities of that department.

(3) A director or deputy director shall receive the compensation established in the budget for the Prince George's County Planning Board.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, a director or deputy director shall be appointed by and serve at the pleasure of the Prince George's County Planning Board.

(ii) In Prince George's County, an individual may elect to remain in the merit system established under Title 16, Subtitle 1 of this article if on June 30, 1991, the individual was a director of planning or a director of parks and recreation.

§20–205.

(a) Except as provided in subsections (b) and (c) of this section, this subtitle may not be construed to affect the powers and duties of the Commission with respect to parks and parklands.

(b) The Commission may delegate to the county planning boards those powers and duties with respect to parks and parklands that the Commission may determine.

(c) The Prince George's County Planning Board shall:

(1) provide a program of recreation in Prince George's County; and

(2) coordinate the program with the Commission's park functions.

§20–206.

The expenses of operating each county planning board shall be paid from the proceeds of the administrative tax collected for the Commission under § 18–307 of this article and any additional funds appropriated by the respective county governing body.

§20–207.

(a) Subject to subsection (b) of this section, functions not specifically allocated in this subtitle shall be assigned to the Commission or to one or both of the county planning boards, as needed.

(b) The assignments shall:

(1) be made by resolution of the Commission with the approval of the respective county council; and

(2) carry out the policy that local or intracounty planning functions should be performed by the county planning boards.

§20–208.

(a) Notwithstanding other provisions of this division, money may be included in the Commission's annual budget and appropriated by the respective county council to provide an annual salary for each county planning board member, other than a full–time member, as compensation for the member's services.

(b) After notice and public hearing, the Montgomery County Council and the Prince George's County Council may each establish the salary for a county planning board member from that county, other than a full–time member, by local law separate from budget action.

§20–209.

In Montgomery County, to the extent authorized by local law, the Montgomery County Planning Board may:

(1) administer and enforce any adopted growth policy or forest conservation program; and

(2) provide staffing assistance on matters relating to the promotion of historic preservation.

§20–210.

The chair of the Montgomery County Planning Board may not engage in any other full–time employment while serving as chair.

§20–301.

Subject to §§ 20–303 and 20–304 of this subtitle, a public board, public body, or public official may not conduct any of the following activities in the regional district unless the proposed location, character, grade, and extent of the activity is referred to and approved by the Commission:

(1) acquiring or selling land;

(2) locating, constructing, or authorizing:

(i) a road;

(ii) a park;

(iii) any other public way or ground;

(iv) a public building or structure, including a federal building or structure; or

(v) a publicly owned or privately owned public utility; or

(3) changing the use of or widening, narrowing, extending, relocating, vacating, or abandoning any facility listed in item (2) of this section.

§20–302.

(a) The Commission has exclusive jurisdiction over mandatory referrals made under this part from the United States or the State, or any unit of the United States or the State.

(b) A county planning board has exclusive jurisdiction over a mandatory referral under this part by the county planning board's respective county government or any unit of the county government.

(c) The Montgomery County Planning Board has exclusive jurisdiction over a mandatory referral under this part by the county board of education, a municipal corporation or special taxing district, or a publicly owned or privately owned public utility.

§20–303.

(a) If the Commission disapproves a referral submitted under § 20–301 of this subtitle, the Commission shall communicate the reasons for the disapproval to the entity that proposed the activity.

(b) Notwithstanding § 20–301 of this subtitle, the entity that proposed the activity may overrule the disapproval of the Commission and proceed with the activity as proposed.

§20–304.

(a) In this section, "complete submission" means an explanatory narrative accompanied by engineering or architectural drawings that depict the proposed location, character, grade, and extent of the activity subject to a mandatory referral.

(b) Unless a longer period is granted by the submitting entity, an official referral to the Commission under this part is deemed approved if the Commission fails to act within 60 days after the date of a complete submission accepted by the Commission to adequately review the proposed location, character, grade, and extent of the activity.

(c) (1) Within 3 business days after receiving a submission or an amendment to a submission, the Commission shall notify the submitting entity that the submission is:

(i) complete and accepted by the Commission; or

(ii) rejected as incomplete by the Commission.

(2) At the same time that the Commission provides notice that a submission has been rejected as incomplete under paragraph (1)(ii) of this subsection, the Commission shall provide to the submitting entity an itemized list of the information required for the submission to be considered complete.

(d) If a submitting entity submits an amendment to a submission that was rejected as incomplete, the Commission:

(1) shall act on the amended submission within 60 days after receipt of the amendment; and

(2) within 3 business days after receipt of the amendment, shall notify the submitting entity of the completeness of the submission in accordance with subsection (c) of this section.

(e) (1) If a submission is rejected as incomplete after the submitting entity has submitted amendments at least three times, the entity may notify the Commission that it is unable to provide additional information on the submission through reasonable means.

(2) On receipt of the notice from a submitting entity provided in accordance with paragraph (1) of this subsection, the Commission shall:

(i) accept the submission as complete; and

(ii) act on the submission within 60 days.

§20–305.

(a) After appropriate public hearings, the Commission shall adopt uniform standards of review to be followed in reviewing changes to property subject to review.

(b) (1) The Commission shall publish a notice of the adoption of the standards of review in a newspaper of general circulation that is published in each county.

(2) The notice shall:

(i) include a summary of the purpose of the standards and the review process; and

(ii) identify a location and a phone number to contact for a complete copy of the standards of review.

§20–308.

On the request of the board of trustees of Montgomery Community College, and in accordance with § 16–413 of the Education Article, the Commission may make recommendations to the board concerning real property sites appropriate for acquisition by the board that conform as far as practicable to development plans for land use in Montgomery County.

§20–401.

(a) The Commission may establish grades for all roads in the regional district.

(b) In Montgomery County, all road grades shall be established in accordance with local law.

(c) In Prince George's County, the Department of Public Works and Transportation shall establish road grades.

(d) Permanent road grading may not occur until a road grade has been established by:

(1) the Commission in Montgomery County; or

(2) the Department of Public Works and Transportation in Prince George's County.

(e) Unauthorized permanent road grading is a misdemeanor and is punishable under Title 27 of this article.

§20–501.

This part applies only in the regional district.

§20–502.

(a) (1) A person may not construct or alter structurally a building or other structure in the regional district without a building permit.

(2) A building permit shall conform to this division and any local law enacted by the appropriate district council.

(b) A building permit may not be required for a building or structure to be used exclusively for agriculture on land used exclusively for agriculture.

(c) A local law enacted under this division may not require the Commission to approve a building permit.

§20–503.

(a) By zoning law, a district council may provide for:

(1) the issuance of use and occupancy permits; and

(2) a process to raise a zoning question before the preparation of all structural specifications of a building or structure that may be required for a complete building permit.

(b) In Montgomery County, all building permit applications shall be referred to the Commission for review and recommendation as to zoning requirements.

(c) In Prince George's County, the County Council, by local law, may provide for the referral of some or all building permit applications to the Commission for review and recommendation as to zoning requirements.

§20–504.

(a) A permit to construct a building or structure in a subdivision may not be issued unless the road giving access to the lot where the building or structure is proposed to be located:

(1) has the legal status of a public road or was dedicated to public use;

(2) corresponds in its exact location with a road shown on a subdivision plat approved by the Commission or with a master plan of transportation or plat adopted by the Commission; or

(3) is on a private right–of–way or easement approved as adequate by the county council in accordance with subsection (b) of this section.

(b) By local law, the county council may:

(1) adopt standards to assure that a private right–of–way or easement is adequate to provide access to a lot where a building is proposed to be located; and

(2) delegate to the executive branch or county planning board the authority to approve a private right–of–way or easement that is adequate under item (1) of this subsection.

§20–507.

This part applies only in the portion of the regional district located in Montgomery County.

§20–508.

A permit for the construction of a building or structure may be issued only if:

(1) adequate plans are made for the disposal of waste, sewerage, and drainage from the building or structure; and

(2) the plans are presented to the building inspector that has jurisdiction.

§20–509.

(a) Subject to subsections (b), (c), and (d) of this section, by local law, the legislative body of a municipal corporation or governed special taxing district may impose an additional or stricter building requirement than is required by a State, regional, or county unit that exercises zoning or planning authority over the municipal corporation or governed district if the authority is exercised in addition to the State, regional, or county zoning or planning authority.

(b) (1) Subject to paragraph (2) of this subsection, a building requirement adopted under this section:

(i) shall be imposed for:

1. the protection of the public health, safety, and welfare; or

2. the preservation, improvement, or protection of lands, water, and improvements in the municipal corporation or governed special taxing district;

(ii) may regulate only the construction, repair, or remodeling of residential buildings with four or fewer dwelling units, including single–unit houses, duplexes, triplexes, quadplexes, cottage clusters, townhouses, and similar buildings, and their accessory structures, as it relates to:

1. fences, walls, hedges, and similar barriers;

2. signs;

3. residential parking;

4. residential storage;

5. the location of buildings and structures, including setback requirements;

6. the dimensions of buildings and structures, including height, bulk, massing, and design; and

7. lot coverage, including impervious surface; and

(iii) shall apply without regard to housing type.

(2) A building requirement adopted under this section for residential buildings with two to four dwelling units:

(i) may not be more restrictive than a building requirement adopted under this section for a single–unit house; but

(ii) may be less restrictive than a building requirement adopted under this section for a single–unit house.

(c) Before adopting a local law under this section, a municipal corporation or governed special taxing district shall:

(1) hold a public hearing; and

(2) at least 30 days before the public hearing, transmit a copy of the proposed local law to the county council.

(d) A local law that a municipal corporation or governed special taxing district adopts under this section shall provide a procedure for a waiver from the strict application of the building requirements.

(e) By local law, a municipal corporation or governed special taxing district may enact an additional or stricter commercial sign regulation than is imposed by the State, the Commission, or the county.

§20–512.

This part applies only in the portion of the regional district in Prince George's County.

§20–513.

(a) (1) (i) The County Council may provide for the issuance of permits for the construction, repair, or remodeling of buildings.

(ii) A person may not construct, repair, or remodel a building without obtaining a permit and paying a fee established by the County Council.

(2) The County Council shall:

(i) regulate uniformly the construction, improvement, and demolition of buildings;

(ii) regulate the size of bricks and thickness of walls that are used in houses to be built;

(iii) provide for the entry into and examination of all buildings, lots, yards, enclosures, boats, and vehicles in order to determine their condition for health, cleanliness, and safety;

(iv) 1. provide for the taking down and removal of buildings, walls, structures, or superstructures that are or may become dangerous; or

2. require owners to move the buildings, walls, structures, or superstructures or put them in a safe and sound condition at their own expense;

(v) regulate the building and maintenance of party walls, partitions, fences, parapet walls, fire walls, smoke flues, fireplaces, hot–air flues, boilers, kettles, smokestacks, and stove pipes;

(vi) regulate the storage of gasoline and other combustibles or explosives in any structure listed in item (v) of this paragraph;

(vii) regulate the safe construction, inspection, and repair of private and public buildings;

(viii) regulate, limit, or prohibit the construction of wooden or frame buildings and remove the buildings at the owner's expense, when constructed or not removed;

(ix) regulate the height, construction, and inspection of new buildings;

(x) regulate the limits in which steps, porticoes, bay windows, or other structural ornaments may be added to houses fronting on a highway, street, avenue, lane, or alley;

(xi) regulate the materials used and the manner of installing electric wiring or piping or laying conduit in any building;

(xii) regulate the location, manner of installation, size, and area per lot of all advertising structures and restrict the projection of advertising structures over public property;

(xiii) adopt and enforce all necessary rules or regulations over public property; and

(xiv) impose fines and penalties for violations of rules or regulations adopted under this paragraph.

(b) (1) A local law is not valid or effective until it is adopted by the County Council at a regular meeting and recorded in the records of the County Council.

(2) Before adopting any local law under this section, the County Council shall publish notice of the date, place, and time, in a newspaper of general circulation in the part of the regional district affected by the local law, of the meeting of the County Council at which the local law is to be presented for adoption.

(3) The notice shall:

(i) state that the meeting will include a hearing on the proposed local law at which all persons will be given an opportunity to express the person's views on the proposed local law;

(ii) 1. briefly indicate the nature of the local law to be adopted, amended, or repealed; or

2. if a complete and comprehensive building code is to be considered for adoption, provide a statement to that effect; and

(iii) be published at least once each week for 2 consecutive weeks before the date of the meeting, but the County Council may provide for more extensive notification.

(c) (1) (i) After local laws are adopted, the County Council shall record the local laws in a book kept for that purpose in the office of the County Council.

(ii) When the local laws are recorded under this paragraph, all persons are deemed to have notice of the local laws and no actual notice need be proven.

(2) (i) The County Council shall print a sufficient number of copies of the adopted and recorded local laws for general distribution.

(ii) If it is necessary to prove the existence of the local laws in any judicial proceeding, a printed copy is prima facie evidence of the existence.

(d) (1) The County Council may wholly or partly amend any local law adopted under this section.

(2) Amendments are valid and effective when recorded as provided in subsection (c) of this section.

(e) The County Council may exempt a municipal corporation or special taxing district in the regional district from local laws adopted under this section if the County Council determines that the building regulations and enforcement in the municipal corporation or special taxing district are as adequate and equally effective as the local laws adopted by the County Council.

(f) (1) The County Council, in addition to the remedies provided for by this subtitle and Title 27 of this article, may provide for the enforcement of the local laws adopted under this section by applying to the Circuit Court for Prince George's County for an injunction.

(2) A violation of the local laws is sufficient cause in itself for the issuance of an injunction when applied for, and no further cause need be alleged or shown.

(g) (1) A building code adopted under this section shall be enforced by the officers designated in the county charter or county code.

(2) All fees and penalties are governed by the law applicable to a charter county.

§20–514.

(a) The county board of education shall comply with all building regulations the County Council adopts for the regional district.

(b) The county board of education shall provide:

(1) fire escapes for all school buildings in use before May 7, 1943, if the buildings are more than one story in height; and

(2) fire escapes for all buildings constructed on or after May 7, 1943.

(c) If the county board of education does not comply with this title, the County Council may contract for the performance of the work and deduct costs incurred for the work from the amount allocated for the support of schools in the county.

§20–515.

The county or a unit of the county responsible for issuing grading permits shall place conditions on a grading permit issued under Subtitle 4, Division 3 of the Prince George's County Code (2007 Edition) if:

(1) the permit involves at least 10 acres of land in the county portion of the regional district; and

(2) the county or the unit finds there is or would be an adverse effect, as a result of noise or traffic, on the safety, health, or welfare of the residents in the immediate area of the land that is the subject of the grading permit.

§20–516.

When an administrative official issues a use and occupancy permit that under the applicable county zoning law allows entertainment to be held for an association, a club, a society, or another organization or the public, the official promptly shall transmit a copy of the permit or give other notice of the issuance of the permit to:

(1) the Board of License Commissioners;

(2) the chief of police;

(3) the fire chief;

(4) the director of the Department of Environmental Resources; and

(5) if applicable, the municipal corporation in which the entertainment is to be held.

§20–519.

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

(b) "County unit" includes:

(1) the Commission;

(2) the county Department of Environmental Resources;

(3) the county Department of Public Works and Transportation;

(4) the county fire/EMS department;

(5) the county health department; and

(6) the Washington Suburban Sanitary Commission.

(c) "Development" has the meaning stated in § 1–101 of this article.

(d) "Development permit" means a building permit or other permit issued in writing, as required by local law, to authorize the start of construction activities to construct, alter, demolish, or relocate an existing structure.

(e) "Qualifying redevelopment project" means a development project to rehabilitate dilapidated real property through demolition, reconstruction, or reuse that qualifies for expedited development permit review under this part.

§20–520.

This part applies only in Prince George's County.

§20–521.

The purpose of this part is to encourage environmentally responsible urban renewal and revitalization through expedited review of development permits required for qualifying redevelopment projects.

§20–522.

(a) Except as provided in subsections (b) and (c) of this section, within 90 days after receiving an application for a development permit for a qualifying redevelopment project, the county shall:

(1) approve or disapprove the application; and

(2) notify the applicant of the approval or disapproval in writing.

(b) The county shall have an additional 60 days to comply with subsection (a) of this section if:

(1) (i) a county unit involved in the review of the application determines that the extension is necessary to complete the review based on:

1. the nature or complexity of the application; or

2. unresolved issues related to the application; and

(ii) the county unit notifies the applicant about the extension in writing; or

(2) (i) the applicant modifies the application for any reason, including for the purpose of responding to a request from a county unit that is involved in the review of the application; and

(ii) the modification is made during the original 90–day period under subsection (a) of this section.

(c) In addition to the 60–day extension provided under subsection (b) of this section, the county shall have an additional 30 days to comply with subsection (a) of this section if:

(1) the applicant modifies the application for any reason, including for the purpose of responding to a request from a county unit that is involved in the review of the application; and

(2) the modification is made during the 60–day extension under subsection (b) of this section.

§20–523.

A qualifying redevelopment project shall incorporate environmentally responsible design elements that promote:

(1) water conservation by using practices, techniques, and technologies that:

(i) reduce the consumption, loss, or waste of water;

(ii) improve efficiency in the use of water; or

(iii) make more efficient use of the water treatment infrastructure;

(2) energy efficiency by using practices, techniques, and technologies that reduce and minimize the consumption, loss, or waste of energy; and

(3) the use of recycled or recyclable building materials.

§20–526.

(a) (1) In Montgomery County, it is a misdemeanor to:

(i) construct, alter structurally, or use any building, structure, or land in violation of this title, a local law adopted under this title, or a decision made under this title; or

(ii) willfully issue a building, use, or occupancy permit in violation of this title, a local law adopted under this title, or a decision made under this title.

(2) The County Council of Montgomery County or the prosecuting official of the county may prosecute any violation under this subsection.

(b) (1) In Prince George's County, it is a misdemeanor to:

(i) construct, alter structurally, or use any building or other structure in violation of the building code of Prince George's County;

(ii) use land in violation of this title, a local law adopted under this title, a decision made under this title, or a zoning text amendment adopted under this title; or

(iii) willfully issue any permit, including a building, use, or occupancy permit, in violation of the building code of Prince George's County, this

title, a local law adopted under this title, a decision made under this title, or a zoning text amendment adopted under this title.

(2) The county attorney or the State's Attorney may prosecute any violation under this subsection.

(c) (1) In addition to all other remedies provided by law, the governing body of Montgomery County or Prince George's County may provide by local law for the imposition of civil monetary fines or penalties for a violation of:

(i) this title;

(ii) a local law adopted under this title;

(iii) a decision made under this title; or

(iv) a zoning text amendment adopted under this title.

(2) The governing body may provide for the enforcement of the local law:

(i) as provided in Title 11, Subtitle 2 of this article, and not subject to an appeal to the board of appeals; or

(ii) by a hearing by an official or unit of the county, subject to an appeal from the hearing to the board of appeals.

(3) The governing body may provide for the county attorney to prosecute violations for which civil monetary fines or penalties are imposed.

(d) (1) In addition to all other remedies provided by law, the governing body of Montgomery County or Prince George's County, public officials of any municipal corporation or political subdivision in the regional district, or any neighboring property owner or occupant may institute a civil action to prevent unlawful construction, alteration, or use of a building or land.

(2) In an action under paragraph (1) of this subsection, any court of competent jurisdiction has jurisdiction to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

§20–601.

This subtitle applies only in Prince George's County.

§20–602.

Subject to this subtitle and any local law adopted by the County Council under this subtitle, any area in the county within an election district that abuts territory within the regional district may be annexed to the boundaries of the regional district.

§20–603.

(a) (1) A proposal for annexation of an area to the regional district shall be initiated by a written petition.

(2) The written petition shall be signed by:

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

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

(b) If a written petition for annexation is submitted to the County Council, the chair of the County Council shall verify:

(1) the signatures on the written petition; and

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

§20–604.

(a) On verifying that the requirements of § 20–603 of this subtitle have been complied with, the chair of the County Council shall promptly cause a local law to be introduced that proposes the change of boundaries that the petition requests.

(b) The local law shall:

(1) describe by clearly ascertained boundary lines, by landmarks, and by other well–known terms consistent with the description of other areas included in the regional district, the exact area proposed to be included in the change; and

(2) include a brief and accurate description of the conditions and circumstances applicable to the change of boundaries the petition requests.

§20–605.

(a) (1) The County Council shall give public notice of a hearing on the local law introduced under § 20–604 of this subtitle.

(2) The notice required under this subsection shall be published at least four times at not less than weekly intervals in a newspaper of general circulation in the area proposed to be annexed.

(3) The notice required under this subsection shall include:

(i) a brief and accurate description of the change in boundaries proposed in the local law and the conditions and circumstances applicable to the change in boundaries; and

(ii) the time and place where the public hearing on the proposed local law will be held.

(b) The hearing shall:

(1) commence not less than 7 days after the fourth publication of the required notice of the hearing; and

(2) be held at the location identified in the notice.

(c) After the required notice and hearing on the local law, a majority of the County Council may adopt the local law.

§20–606.

(a) After the public hearing on the local law, the County Council may enact the local law in accordance with the usual requirements and practices applicable to legislative enactments of the County Council.

(b) The local law may not become effective until at least 45 days following its final enactment.

§20–607.

(a) A written petition for a referendum on the local law may be filed during the 45 days following the final enactment of the local law.

(b) A petition filed under this section must be signed by:

(1) at least 20% of the residents of the area to be annexed under the local law; and

(2) owners of at least 20% of the assessed valuation of the real property located in the area to be annexed.

(c) The signers of a petition filed under this section must be:

(1) registered as voters in county elections; or

(2) if there are fewer than 20 individuals living in the area proposed to be annexed who are eligible to sign a petition under this subsection, any person owning real property in the area proposed to be annexed.

(d) When a written petition for referendum on a local law is submitted to the chair of the County Council, the chair shall verify:

(1) the signatures on the written petition; and

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

(e) On verifying that the requirements of this section have been met, the chair of the County Council shall suspend the effectiveness of the local law contingent on the results of the referendum.

(f) (1) The chair of the County Council shall set a date for the referendum on the local law and publish notice of the referendum on the local law.

(2) The date of the referendum on the local law shall be between 15 and 90 days after the published notice of the referendum.

(3) The notice of the referendum on the local law shall:

(i) be published twice at not less than weekly intervals in a newspaper of general circulation in the area to be annexed; and

(ii) specify the time and place at which the referendum will be held.

(4) The place where the referendum is held shall be within the area to be annexed under the local law.

(g) (1) On the date and at the place specified, the local law proposing to annex an area to the regional district shall be submitted to a referendum election of

the qualified voters who reside in the area to be annexed and who are registered as voters in county elections.

(2) If there are fewer than 20 individuals living in the area proposed to be annexed who are eligible to participate in a referendum election, any person owning real property in the area proposed to be annexed may participate in the referendum election.

(3) The ballots or voting machines for the referendum election shall contain a summary of the local law with suitable provisions for the voter to indicate a choice for or against it.

(h) If a majority of the persons voting on the local law in the referendum vote in favor of the local law, the local law shall become effective on the 14th day following the referendum.

(i) The County Council may enact local laws or adopt regulations that provide for conducting a referendum held under this section and tabulating the results of the referendum.

(j) The county shall pay in full for the expenses of a referendum held under this section.

§20–701.

In this part, "prior established municipal corporation":

(1) means a municipal corporation subject to Article XI–E of the Maryland Constitution that includes land added to the regional district under Chapter 596 of the Acts of the General Assembly of 1957; and

(2) includes:

(i) Barnesville;

(ii) Brookeville;

(iii) Gaithersburg;

(iv) Laytonsville;

(v) Rockville;

(vi) Poolesville; and

(vii) Washington Grove.

§20–702.

This part applies only in Montgomery County.

§20–703.

(a) Except as provided by agreement under § 20–704 of this subtitle, the Commission, county planning board, and district council may not exercise any planning or zoning power in any prior established municipal corporation in the county.

(b) Except as otherwise provided in this part:

(1) the county may not impose the administrative tax provided for under § 18–307 of this article in a prior established municipal corporation;

(2) any local law adopted by the Commission, county planning board, or district council does not apply to a prior established municipal corporation; and

(3) §§ 20–401 and 20–502 through 20–504 of this title and Title 22, Subtitle 1 and §§ 22–308, 23–102, 23–103, 23–301, and 23–302 of this article do not apply to a prior established municipal corporation.

§20–704.

(a) The Commission or the county planning board may enter into an agreement with a prior established municipal corporation that allows the Commission or the county planning board to exercise planning and zoning powers in the municipal corporation.

(b) On execution of an agreement authorized under this section, the following shall apply to a prior established municipal corporation that enters an agreement with the Commission or the county planning board:

(1) all local laws and official acts of the Commission or the county planning board and the district council that are in effect in the regional district within the county;

(2) all provisions of this title; and

(3) the administrative tax provided for in § 18–307 of this article.

(c) (1) An agreement under this section may authorize the governing body of the prior established municipal corporation to act as the district council for the municipal corporation.

(2) If the governing body of the municipal corporation is authorized to act as the district council for the municipal corporation, the governing body shall exercise all the power granted to the district council by this title within the municipal corporation.

(d) An agreement under this section between a municipal corporation and the Commission or county planning board shall remain in effect as written unless revoked or amended by mutual action of the parties to the agreement.

§20–705.

(a) The Commission or the county planning board may submit recommendations to any prior established municipal corporation regarding any planning or zoning action under consideration by the municipal corporation.

(b) The prior established municipal corporation shall incorporate the recommendation of the Commission or the county planning board as a part of the record of the planning or zoning action.

§20–706.

A municipal corporation in the regional district that is not a prior established municipal corporation in the county may not exercise any planning, zoning, or subdivision power unless expressly authorized in this division.

§20–709.

A municipal corporation in Prince George's County that is in the regional district may not exercise any powers relating to planning, subdivision control, or zoning not granted to the municipal corporation by the district council under § 25–303 of this article.

§21–101.

(a) This section applies to:

(1) the making of the appropriate general plan;

(2) any part, amendment, extension, or addition to the plan;

(3) the protection of and the carrying out of the plan; and

(4) the exercise of any:

(i) planning, zoning, or subdivision control powers in the regional district; and

(ii) other powers granted in this title to the Commission or to the Montgomery County Council or the Prince George's County Council.

(b) The purpose of the plan is to:

(1) guide and accomplish a coordinated, comprehensive, adjusted, and systematic development of the regional district;

(2) coordinate and adjust the development of the regional district with public and private development of other parts of the State and of the District of Columbia; and

(3) protect and promote the public health, safety, and welfare.

§21–102.

(a) It is the policy of the State that:

(1) the orderly development and use of land and structures requires comprehensive regulation through implementation of planning and zoning controls; and

(2) local governments shall implement planning and zoning controls.

(b) (1) To achieve the public purposes of this regulatory scheme, the General Assembly recognizes that local government action will displace or limit economic competition by owners and users of property.

(2) It is the policy of the General Assembly and of the State that competition and enterprise shall be displaced or limited for the attainment of the purposes of the State policy for implementing planning and zoning controls as provided for in State and local law.

(c) The powers granted to the Commission and district councils under this section may not be construed to:

(1) grant to the Commission or district councils powers in any substantive area that are not otherwise granted to the Commission and district councils by State or local law;

(2) restrict the Commission or district councils from exercising any power granted to the Commission and district councils by other law;

(3) authorize the Commission or district councils to engage in any activity that is beyond their power under other law; or

(4) preempt or supersede the regulatory authority of any State unit under any State law.

§21–103.

(a) At the direction of the appropriate district council, the Commission shall initiate and adopt:

(1) a general plan for the development of that portion of the regional district located in each county; and

(2) amendments to the general plan.

(b) Notwithstanding the provisions of subsection (a) of this section, the Commission shall review, 2 years after each decennial census of the United States, the general plan for the development of that portion of the regional district located in Prince George's County.

(c) (1) In accordance with Subtitle 2 of this title, the Commission may initiate and adopt any amendment to the general plan.

(2) The appropriate district council may designate a functional master plan, an area master plan, or an amendment to either plan, as an amendment to the general plan.

§21–104.

(a) The general plan and any amendment to the general plan shall contain:

(1) the Commission's recommendations for development within the regional district;

(2) any descriptive or supporting material that:

(i) the appropriate district council requires; or

(ii) the Commission determines to be necessary and feasible; and

(3) the elements required under Title 1, Subtitle 4 of this article.

(b) (1) In accordance with the procedure set forth in this subtitle, the appropriate district council may require the Commission to prepare the general plan, or any amendment to the plan, considering elements such as:

(i) existing and forecasted:

1. population, including population distribution and other appropriate characteristics;

2. amount, type, intensity, general location, and characteristics of commercial, industrial, and public sector facilities and related employment;

3. amount, type, need, and location of major public services, facilities, and utilities;

4. transportation needs, facilities, routes, and systems; and

5. housing demand and needs, and the amount, type, quality, and general location of housing;

(ii) existing land uses, forecasts of land absorption rates or markets, and analyses of the amount, general location, and interrelationships among different categories of land use;

(iii) staging or scheduling of development and capital improvements, and the fiscal or economic impact of those improvements;

(iv) physical resources and conditions, including topography, soils, geology and mineral deposits, hydrology and waterways, wetlands and shorelines, water and air quality, climate, noise, open spaces, scenic areas, vegetation, forests, agricultural lands, fisheries, wildlife and wildlife habitats, and other areas of environmental or ecological importance or sensitivity;

(v) sites, structures, areas, or settings of archaeological, historical, architectural, cultural, or scenic value or significance;

(vi) extent and general location of physically blighted or deteriorated areas and related factors;

(vii) evaluation of the probable consequences of major recommendations of the general plan on the general physical and social environment and population of the regional district;

(viii) estimates of the probable consequences on public revenues and expenditures of major recommendations of the general plan; and

(ix) any other matter that the appropriate district council or the Commission determines to be necessary and feasible to the preparation or presentation of the general plan.

(2) The appropriate district council may provide, to the extent necessary and feasible, that:

(i) the Commission shall:

1. consider various alternative concepts of growth or development in preparing the general plan; and

2. appropriately describe the alternative concepts considered by the Commission; and

(ii) the general plan shall include material to contain and explain the appropriate district council's recommendations with respect to any matter in this subsection.

(3) The materials in paragraphs (1) and (2) of this subsection are guidelines for the basis, content, and consideration of:

(i) the general plan;

(ii) a functional master plan;

(iii) an area master plan; or

(iv) any amendment to the plans.

(4) Subject to paragraph (5) of this subsection, a general plan, a functional master plan, or an area master plan or any amendment to a plan may not

be deemed void, inapplicable, or inoperative on the ground that the basis, content, or consideration of the plan or amendment is inconsistent with this division.

(5) With respect to judicial review on the record of a governmental action concerning development, this section does not prevent the consideration of the reasonableness of a general plan or the appropriateness and completeness of a general plan in relation to the governmental action and review.

§21–105.

(a) The appropriate district council shall carry out the requirements of this section:

(1) in accordance with the procedures set forth in this subtitle; and

(2) to the extent necessary and feasible.

(b) (1) Subject to paragraph (2) of this subsection, the appropriate district council shall provide that in its county the Commission shall adopt, and the district council shall approve, a map that shows the entire area of that county located within the regional district, divided into local planning areas.

(2) (i) Before approving a map, the appropriate district council shall consult with the Commission with respect to the boundaries of the local planning areas located wholly or partially within that county.

(ii) If there is a disagreement as to the boundaries of a local planning area, the decision of the district council shall prevail within the area of its jurisdiction.

(c) The appropriate district council shall provide that in its county:

(1) (i) notwithstanding subsection (b) of this section, the Prince George's County district council shall consider, every 6 years, whether to amend the area master plan in that portion of the regional district located in Prince George's County; and

(ii) the decision of the Prince George's County district council regarding whether to amend the area master plan shall:

1. be in writing; and

2. include the reasons for the decision;

(2) in accordance with the work program and budget adopted by the county council of that county, the Commission:

(i) shall initiate and adopt an area master plan for each planning area, any part of a planning area, or any combination of contiguous planning areas; and

(ii) may amend an area master plan for each planning area, any part of a planning area, or any combination of contiguous planning areas;

(3) an area master plan may include recommendations for zoning, staging of development and public improvements, and public services to implement the area master plan;

(4) (i) subject to item (ii) of this item, an area master plan shall be based on the same matters as contained in the general plan and any amendment to the general plan;

(ii) an area master plan:

1. shall include greater detail than the general plan; and

2. is not limited to the contents of the general plan; and

(5) an area master plan, or any amendment to an area master plan, shall show on a map contained in the area master plan the boundary of the area within which the area master plan applies.

(d) The appropriate district council may designate an area master plan, or any amendment to an area master plan, when adopted by the Commission and approved by the appropriate district council, as an amendment to the general plan.

(e) A plan that is adopted before the approval of, or any amendment to, the planning area map shall continue in force and may not be invalidated by the fact that its boundaries do not correspond to the boundaries shown on the planning area map.

§21–106.

(a) Subject to subsection (b) of this section, the Commission may adopt, and the appropriate district council may approve, a functional master plan for the various elements of the general plan, including:

(1) transportation routes and facilities;

(2) hospitals and health centers;

(3) parks and other open spaces;

(4) police stations;

(5) fire stations; and

(6) utilities.

(b) (1) Before adopting or amending a functional master plan of transportation routes and facilities in Prince George's County, the Commission shall submit its proposed plan or amendment to the district council and the County Executive for review and comment.

(2) The district council and the County Executive have 60 days to review and provide written comments.

(3) The adopted plan may not include a transportation route or facility unless the district council, after consulting with the County Executive, by resolution approves the inclusion of the transportation route or facility for planning purposes.

(c) The appropriate district council may designate a functional master plan, or any amendment to a functional master plan, as an amendment to the general plan.

§21–107.

(a) Subject to subsection (b) of this section and Subtitle 2 of this title, the Commission may adopt a plan that identifies and designates sites, structures and their appurtenances and environmental settings, or districts that have historical, archaeological, architectural, or cultural value.

(b) The criteria used for making an identification or designation under subsection (a) of this section may not be inconsistent with the criteria applicable to the Maryland Historical Trust under § 5A–323 of the State Finance and Procurement Article.

(c) The Commission may establish an advisory committee to assist the Commission in the performance of its duties with respect to adopting a plan in accordance with this section.

(d) Except as provided in subsection (e) of this section, a plan adopted under this section is an amendment to the general plan.

(e) (1) A plan adopted under this section may include sites, structures and their appurtenances and environmental settings, or districts located in a municipal corporation in Montgomery County or Prince George's County that is not subject to the jurisdiction of the Commission, with the consent of the governing body of that municipal corporation.

(2) The consent of the governing body shall constitute the agreement of the municipal corporation to be bound by all rules and regulations governing the sites, structures and their appurtenances and environmental settings, or districts as the appropriate district council may enact.

§21–201.

(a) This subtitle is intended to vest control over planning procedures in the district councils of Montgomery County and Prince George's County, to the extent that control is not inconsistent with this division.

(b) Nothing contained in this subtitle authorizes a transfer or dilution of planning authority or responsibility vested in the Commission, county planning boards, or district councils as of October 1, 1959.

§21–202.

(a) (1) The Commission may initiate a plan or part of a plan with the concurrence of the district council of the county or counties in which the area of the proposed plan is located.

(2) The review by the district council of the proposed budget of the Commission and the approval by the district council of the planning schedule that is contained in the budget constitutes concurrence in the initiation of plans proposed in the budget for any single fiscal year.

(b) The district council may modify the planning schedule contained in the proposed budget.

(c) The district council may direct the Commission to initiate a plan or part of a plan.

(d) The Commission shall initiate the plan or part of the plan under subsection (c) of this section with reasonable promptness to the extent funds are available for that purpose.

§21–203.

(a) (1) Except as provided in paragraph (2) of this subsection, the Commission shall adopt a plan by resolution with the affirmative votes of at least six commissioners, of whom at least three shall be from Montgomery County and at least three shall be from Prince George's County.

(2) To adopt an area master plan or a functional master plan that lies entirely within one county, the affirmative votes of three commissioners from that county shall suffice to adopt the plan.

(b) (1) The resolution to adopt a plan shall refer expressly to the maps and the descriptive and other matter that the Commission intends to form the whole or part of the plan.

(2) Any action taken shall be recorded on the map, plan, or descriptive matter by the identifying signature of the chair and secretary–treasurer of the Commission.

§21–204.

(a) In preparing and making a plan and in exercising the zoning, planning, subdivision control, and other powers granted to the Commission under this division, the Commission may act in conjunction and cooperation with the National Capital Planning Commission.

(b) The Commission is the representative of the State to the National Capital Planning Commission.

(c) For the purposes described in subsection (a) of this section, the Commission may enter into commitments and agreements with the National Capital Planning Commission as the Commission considers necessary.

(d) The Commission may act in conjunction and cooperation with other representatives or officers of the United States government or of the District of Columbia or of this State, including the Department of Planning and the Washington Suburban Sanitary Commission, or of the Commonwealth of Virginia or of Montgomery County or Prince George's County or of any district, municipal corporation, or other political subdivision in these states or counties.

§21–207.

This part applies in Montgomery County.

§21–208.

(a) (1) After a public hearing, the district council shall establish by local law or subsequent amendment to the local law procedures for the Commission to submit, adopt, and approve a plan or part of a plan.

(2) The district council shall publish notice of the time and place of the public hearing in at least one newspaper of general circulation in the county at least 30 days before the hearing.

(b) The procedures established in accordance with subsection (a) of this section:

(1) may include requirements for submission to and approval by the district council of preliminary concepts, guidelines, goals, or plans;

(2) shall include adoption of a plan by the Commission after at least one public hearing, notice of the time and place of which shall be published in at least one newspaper of general circulation in the county at least 30 days before the hearing;

(3) may include procedures for the approval of a plan by the district council;

(4) shall include a method for the Commission to certify and file a plan in the office of the clerk of the Circuit Court of Montgomery County; and

(5) shall include provisions for the Commission to publish an adopted and approved plan.

§21–209.

(a) Notwithstanding § 21–208 of this subtitle, when the Commission initiates a master plan or an amendment to a master plan, the Commission shall notify the County Executive of the work schedule of the Commission.

(b) (1) The County Executive shall provide to the Commission, as early as possible, information on matters including transportation, water and sewer, and other public facility and public services and fiscal portions of the plan or amendment.

(2) The County Executive may provide to the Commission other studies and information the County Executive considers pertinent to the preparation of the plan or amendment.

§21–210.

On completion of a master plan or master plan amendment, the county planning board shall transmit:

(1) the plan or amendment to the district council; and

(2) copies of the plan or amendment to the County Executive.

§21–211.

Within 60 days after the transmission of a copy of a master plan or master plan amendment to the County Executive under § 21–210 of this subtitle, the County Executive shall transmit a fiscal impact analysis to the district council with other comments and recommendations the County Executive considers appropriate.

§21–212.

(a) Within 180 days after the receipt of the County Executive's comments, recommendations, and fiscal impact analysis as provided in § 21–211 of this subtitle, the district council shall approve, modify, or disapprove the master plan or master plan amendment.

(b) On a vote of two–thirds of those present and voting, the district council may extend, by sequential 60–day intervals, the 180–day period for review and action on the master plan or master plan amendment provided in subsection (a) of this section.

(c) Failure of the district council to act within the time limits imposed under this section constitutes approval of a master plan or master plan amendment as submitted by the county planning board.

§21–215.

This part applies in Prince George's County.

§21–216.

(a) (1) After a public hearing, the district council shall establish by local law or subsequent amendment to the local law procedures for the Commission to initiate, submit, adopt, and amend a plan or part of a plan, and for the district council to approve or amend a plan or part of a plan.

(2) The district council shall publish notice of the time and place of the public hearing in at least one newspaper of general circulation in the county at least 30 days before the hearing.

(b) The procedures established in accordance with subsection (a) of this section shall:

(1) include requirements for the district council to approve preliminary concepts, guidelines, and goals;

(2) provide for one or more public hearings on the plan to be held jointly by the Commission and the district council, at the direction of the district council, after 30 days' notice by publication in a newspaper of general circulation in the county;

(3) include provision for the Commission to adopt a plan after the public hearing, and for the district council to approve the plan;

(4) include a method to certify and file an approved plan in the office of the clerk of the Circuit Court for Prince George's County; and

(5) include provisions for the Commission to publish an adopted and approved plan.

§21–217.

(a) The procedures established in § 21–216 of this subtitle shall include review of preliminary plans by the district council and the County Executive to identify inconsistencies between the plan and existing or proposed State or county facilities, including roads, highways, or other public facilities.

(b) The district council shall direct the Commission how to eliminate or accommodate in the plan any inconsistency identified under subsection (a) of this section.

§22–101.

(a) The County Council of Montgomery County is the district council for that portion of the regional district located in Montgomery County.

(b) The County Council of Prince George's County is the district council for that portion of the regional district located in Prince George's County.

§22–102.

Sitting together as a joint body, the district council for Montgomery County and the district council for Prince George's County are the bi–county district council for the regional district as a whole.

§22–103.

The bi–county district council may not adopt a local law except by affirmative vote of:

(1) a majority of the membership of the Montgomery County district council; and

(2) a majority of the membership of the Prince George's County district council.

§22–104.

(a) The Montgomery County district council or the Prince George's County district council, in accordance with the requirements of this division as to the portion of the regional district located in the respective county, may:

(1) by local law adopt and amend the text of the zoning law for that county; and

(2) by local law adopt and amend any map accompanying the text of the zoning law for that county.

(b) The local law may regulate:

(1) (i) the location, height, bulk, and size of each building or other structure, and any unit in the building or structure;

(ii) building lines;

(iii) minimum frontage;

(iv) the depth and area of each lot; and

(v) the percentage of a lot that may be occupied;

(2) the size of lots, yards, courts, and other open spaces;

(3) the construction of temporary stands and structures;

(4) the density and distribution of population;

(5) the location and uses of buildings and structures and any units in those buildings and structures for:

(i) trade;

(ii) industry;

(iii) residential purposes;

(iv) recreation;

(v) agriculture;

(vi) public activities; and

(vii) other purposes; and

(6) the uses of land, including surface, subsurface, and air rights for the land, for building or for any of the purposes described in item (5) of this subsection.

(c) The exercise of authority by a district council under this section is limited by §§ 17–402 and 25–211 of this article.

§22–105.

(a) A district council may establish a program for the transfer of development rights.

(b) The district council for Prince George's County may by local law create a program for the purchase of development rights under Title 25, Subtitle 6 of this article.

§22–106.

(a) This section applies to property of:

(1) a landowner;

(2) the holder of an easement or right in the land of the landowner; and

(3) the tenant of the landowner or of the holder of the easement or right in the land.

(b) A district council may not prohibit the use of land subject to this section for:

(1) farming or other agricultural uses; or

(2) in Prince George's County, storage of natural or artificial gas at more than 500 feet below ground level.

§22–107.

(a) (1) This section applies only in Montgomery County.

(2) The requirements of this section do not apply to an application for a zoning map amendment filed by the district council or by the Commission.

(b) (1) Subject to paragraph (2) of this subsection, the district council for Montgomery County may not receive an application for a zoning map amendment on land that was:

(i) the subject of a prior application for a zoning map amendment filed after June 1, 1965; and

(ii) for the same zoning classification on which there was a decision on the merits.

(2) An application may be refiled after 36 months have elapsed since the filing of the application for the prior zoning map amendment that was decided on the merits.

(c) (1) In this subsection, "substantial interest" includes an individual or corporate interest of 5% or more of the full cash value of property that is subject to an application for a zoning map amendment under this section, excluding all mortgages, deeds of trust, liens, and encumbrances on the property.

(2) An application for a zoning map amendment shall include the name of:

(i) each person that has a substantial interest in the property that is the subject of the application;

(ii) each contract purchaser; and

(iii) each person holding a mortgage, deed of trust, or option to purchase the property.

§22–108.

(a) The purposes of this section are to:

(1) protect the historical, archaeological, architectural, or cultural heritage areas in Montgomery County and Prince George's County that comprise the regional district; and

(2) preserve and enhance the quality of life in the community.

(b) In addition to the power to regulate planning, zoning, or subdivision, a district council may adopt local laws to protect, preserve, and enhance, as designated on the adopted and approved general plan:

(1) sites;

(2) structures and their appurtenances and environmental settings; and

(3) districts of historical, archaeological, architectural, or cultural value.

(c) (1) The enactment and application of a local law under this section shall be:

(i) reasonable and appropriate to the purpose of this subtitle; and

(ii) limited to the protection, preservation, and enhancement of the exterior of the site, structure, or district.

(2) If the enactment or application of a local law by the district council effects a taking of private property, the district council shall make provision for just compensation.

§22–111.

(a) This section does not authorize the validation, ratification, or legalization of any violation of law or regulation in effect at the time of the action by the district council under this section.

(b) In accordance with its zoning laws, the district council may provide for the grant of power to the Board of Appeals of Prince George's County on appeal to allow:

(1) an extension of a lawful nonconforming use throughout all or a part of a building in which the nonconforming use lawfully exists;

(2) the restoration or reconstruction of an existing lawful nonconforming use if by fire or other calamity the use has been destroyed to the extent of not more than 75% of the reconstruction value of the building in which the lawful nonconforming use was carried on; or

(3) an extension of an existing lawful nonconforming use on the same lot as the lot existed as a single lot under single ownership when enactment of the zoning law made the then existing use on the lot nonconforming.

§22–112.

(a) This section applies to any official or body authorized to issue a license or permit.

(b) (1) In this subsection, "residential zone" means any area in the regional district that is designated on a zoning map as residential.

(2) Except as provided in paragraph (3) of this subsection, an official or body may not issue a license or permit for a commercial or industrial purpose or to conduct any commercial or industrial enterprise or business in a residential zone.

(3) Paragraph (2) of this subsection does not apply if the purpose, enterprise, or business is allowed by an applicable zoning law under allowed uses or special exceptions granted by a board of appeals.

§22–113.

A person may continue, and appropriate licenses may be issued to the person for, a lawful nonconforming use existing on the effective date of the respective zoning laws in the metropolitan district.

§22–114.

A lawful nonconforming use that existed on the effective date of a zoning law enacted by Montgomery County or Prince George's County under this title in that portion of the regional district in the applicable county that is outside the metropolitan district may be continued and appropriate licenses may be issued.

§22–115.

To carry out §§ 22–112 through 22–114 of this subtitle, the Commission shall supply a copy of any map that shows the residential, commercial, industrial, and other zones or districts in the regional district to each:

(1) clerk;

(2) administrative official;

(3) licensing body; and

(4) any other official or body authorized to issue a license or permit.

§22–116.

(a) A license or permit issued in violation of any provision of §§ 22–112 through 22–115 of this subtitle is invalid.

(b) An official or person who issues a license or permit in violation of any provision of §§ 22–112 through 22–115 of this subtitle is guilty of a misdemeanor and subject to the penalty provided in Title 27 of this article.

§22–119.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, within the regional district, the zoning powers vested by Division I of this article in a municipal corporation or the council of a municipal corporation within the regional district shall be construed to be vested exclusively in the appropriate district council.

(2) A municipal corporation in Prince George's County has concurrent jurisdiction with Prince George's County to enforce zoning laws in the boundaries of the municipal corporation.

(3) The power to enforce zoning laws for the City of Takoma Park and the Town of Kensington is as provided in §§ 24–201 and 24–202 of this article, respectively.

(b) Before exercising the authority granted by this section, a municipal corporation in Prince George's County shall enter into a written agreement with the district council concerning:

(1) the method by which the county will be advised of citations issued by a municipal inspector;

(2) the responsibility of the municipal corporation or the county to prosecute violations cited by the municipal corporation;

(3) the disposition of fines imposed for violations cited by the municipal corporation;

(4) the resolution of disagreements between the municipal corporation and the county about the interpretation of zoning laws; and

(5) any other matter that the district council considers necessary for the proper exercise of the authority granted by this section.

§22–120.

Within the regional district, any power granted to a planning commission or board of appeals under Division I of this article shall be construed as vested exclusively in and may be exercised only by:

(1) the Commission; or

(2) the board of appeals created or authorized by this title.

§22–123.

Other than a provision applicable to Montgomery County, Prince George's County, or all charter counties under Title 1, Subtitle 4 of this article, any provision of Division I of this article that is in conflict with this title does not apply in the regional district.

§22–201.

(a) A district council may divide the portion of the regional district located within its county into districts and zones of any number, shape, or area it may determine.

(b) (1) Within the districts and zones, the district council may regulate the construction, alteration, and uses of buildings and structures and the uses of land, including surface, subsurface, and air rights.

(2) (i) Zoning laws shall be uniform for each class or kind of development throughout a district or zone.

(ii) The zoning laws in one district or zone may differ from those in other districts or zones.

§22–202.

(a) This section applies to any zoning law that imposes a more restrictive height limitation, lesser percentage of lot occupancy, wider or larger courts, deeper yards, or other more restrictive limitations than those provided by State, county, municipal, or other local regulations.

(b) A zoning law described in subsection (a) of this section shall prevail in the area where it is imposed over the limitations provided by State, county, municipal, or other local regulations.

§22–203.

A municipal corporation in Prince George's County shall have concurrent authority in its boundaries with the county department responsible for issuing permits, to seek compliance with zoning requirements to the extent that the requirements pertain to signs.

§22–206.

(a) A district council may amend its zoning laws, including any maps:

(1) in accordance with procedures established in its zoning laws; and

(2) after holding an advertised public hearing.

(b) The procedures and zoning laws may include:

(1) procedures limiting the times when amendments may be adopted;

(2) provisions for hearings and preliminary determinations by an examiner, a board, or any other unit;

(3) procedures for quorums, number of votes required to enact amendments, and variations or increases based on factors such as master plans, recommendations of the hearing examiner, county planning board, municipal corporation, governed special taxing district, or other body, and petitions of abutting property owners, and the evidentiary value that may be accorded to any of these factors; and

(4) procedures for hearings, notice, costs, fees, amendment of applications, recordings, reverter, lapse, and reconsideration de novo of undeveloped zoning amendments.

(c) (1) In Prince George's County, the district council may provide for notice of the public hearing on a proposed amendment to its zoning plan or zoning laws to be given to the owners of properties, as they appear on the assessment rolls of the county, adjoining, across the road from, on the same block as, or in the general vicinity of the property that is the subject of the proposed amendment.

(2) A zoning law adopted under this subsection may require notice to be given by mail or by posting the notice on or in the vicinity of the property involved in the proposed amendment or both.

(d) In Prince George's County, the zoning hearing examiner shall issue a decision on a zoning matter not more than 100 days after the date of the last hearing held by the hearing examiner.

(e) In a year in which a district council is elected, the district council may not amend a zoning law from November 1 and until the newly elected district council has taken office.

§22–207.

(a) Before a district council may amend the zoning law by changing the zoning classification of property in a municipal corporation or governed special taxing district, the district council shall refer the application for the change to the governing body of the municipal corporation or governed district for its recommendation.

(b) The governing body of the municipal corporation or governed special taxing district has 60 days to make its recommendation.

(c) A two–thirds majority of all the members of the district council is required before the district council may change the zoning classification of property in a municipal corporation or governed special taxing district contrary to the recommendation of the municipal corporation or governed district.

§22–208.

(a) Before a map amendment is approved, it shall be submitted to the appropriate county planning board and to the governing body of the municipal corporation or governed special taxing district where the land is located for a recommendation as to approval, disapproval, or approval with conditions.

(b) A district council may provide by local law procedures for the county planning board and a municipal corporation or governed special taxing district to follow in considering zoning map amendments to the extent that these provisions do not conflict with this division.

§22–209.

(a) This section applies to applications filed for amendments to zoning classifications in Montgomery County.

(b) Except as provided in subsection (c) of this section, an application shall be granted only by the affirmative vote of at least five members of the district council.

(c) (1) Except as provided in paragraph (2) of this subsection, an application that seeks a zoning classification not shown as appropriate or suitable in the text or on the land use map of a master plan that the district council has approved under § 21–107 of this article may be granted only by the affirmative vote of eight members of the district council.

(2) If the Commission recommends approval of the application for reclassification or if the application is for a zoning classification created after the district council approves the master plan, the affirmative vote of six members of the district council is required to grant the application.

§22–210.

(a) This section applies only in Prince George's County.

(b) The district council shall require a two–thirds vote of all members of the district council to approve a zoning map amendment if the zoning map amendment is contrary to an approved master plan.

(c) The district council shall require a two–thirds vote of all members of the district council to approve a zoning map amendment or a special exception if the zoning map amendment or special exception is contrary to the recommendation of a municipal corporation that has any portion of the land subject to the zoning map amendment or special exception in its boundaries.

(d) The district council shall require a two–thirds vote of all members of the district council and a four–fifths vote of all members of the county planning board to approve an optional parking plan if the optional parking plan is contrary to the recommendation of a municipal corporation that has any portion of the land subject to the optional parking plan in its boundaries.

§22–213.

This part applies only in Prince George's County.

§22–214.

(a) In approving any zoning map amendment, the district council may consider and adopt any reasonable requirements, safeguards, and conditions that:

(1) may be necessary to protect surrounding properties from adverse effects that might accrue from the zoning map amendment; or

(2) would further enhance the coordinated, harmonious, and systematic development of the regional district.

(b) (1) A statement of any condition provided under subsection (a) of this section shall be included in the resolution granting the amendment.

(2) The conditions shall remain in effect for so long as the property remains zoned in accordance with the resolution and the applicable zoning classification requested.

(3) A building permit, use permit, or subdivision plat may not be issued or approved for the property except in accordance with conditions set forth in the resolution.

(c) (1) An applicant has 90 days from the date of approval to accept or reject the land use classification conditionally approved.

(2) If the applicant expressly rejects the amendment as conditionally approved within the 90–day period, the zoning classification shall revert to its prior status.

(d) Notwithstanding any other provision of this section, the district council may not impose any requirement, safeguard, or condition that would require the dedication of land for public use except for roads and easements.

(e) The district council may adopt local laws necessary to provide adequate notice, public hearings, and enforcement procedures for the implementation of this section.

(f) If any resolution, or any part or condition of any resolution, passed by the district council in accordance with this section is declared invalid by any court of competent jurisdiction:

(1) the zoning category applicable to the property rezoned by the resolution shall revert to the category applicable before the passage of the resolution; and

(2) the resolution shall be null and void and of no effect.

§22–215.

(a) (1) An authorized reporter shall make a record of all hearings on petitions for zoning map amendments.

(2) The record may not be destroyed until the time for appeal or rehearing on any petition for zoning map amendments has expired.

(b) (1) A person making an application for a zoning map amendment shall pay an additional filing fee of $5 at the time of paying the advertising costs.

(2) A person appealing a decision of the district council or requesting that a transcript be transcribed shall pay to the county the estimated cost of transcription of the record.

§22–216.

(a) In this section, "custodian" means the custodian of the records of a zoning map amendment case in the county.

(b) (1) Before the Commission sends a zoning map amendment case to the district council, the Commission is the custodian.

(2) After the Commission sends a zoning map amendment case to the district council, the district council is the custodian.

(c) Correspondence or documents submitted to a custodian shall be received in a record only in accordance with any applicable statute, local law, rule of evidence, or case law.

(d) (1) Except as provided in paragraph (2) of this subsection, each application for a zoning map amendment and all official correspondence and records relating to the application, prepared or received in a record by the custodian, shall be made available to the public during the custodian's regular business hours.

(2) (i) Subject to subparagraph (ii) of this paragraph, the custodian may publish rules to prevent any access provided under paragraph (1) of this subsection from unreasonably disrupting the custodian's official business.

(ii) Copies of technical staff reports shall be available for the public at the office of the custodian under all circumstances.

(e) An individual who personally appears at the office of the custodian may obtain, without charge, a copy of a public document if the document:

(1) is of letter or legal size; and

(2) pertains to a specific zoning case, including zoning applications and justification statements.

§22–301.

(a) (1) A district council may adopt zoning laws that authorize the board of appeals, the district council, or an administrative office or agency designated by the district council to grant special exceptions and variances to the zoning laws on conditions that are necessary to carry out the purposes of this division.

(2) Any zoning law adopted under this subsection shall contain appropriate standards and safeguards to ensure that any special exception or variance that is granted is consistent with the general purposes and intent of the zoning laws.

(b) Subject to § 22–309 of this subtitle, an appeal from a decision of an administrative office or agency designated under this subtitle shall follow the procedure determined by the district council.

(c) The district council may authorize the board of appeals to interpret zoning maps or decide questions, such as the location of lot lines or district boundary lines, as the questions arise in the administration of zoning laws.

(d) In addition to any other notice requirement, the board of appeals, the district council, or an administrative office or agency shall provide notice of a hearing for a special exception to all parties of record, as defined in local law.

§22–304.

This part applies only in Montgomery County.

§22–305.

(a) (1) The district council may adopt zoning laws that provide that the affirmative vote of:

(i) at least four members of the board of appeals are required to adopt a resolution that grants, revokes, suspends, or amends a special exception or extends the time in which to implement a special exception; and

(ii) a majority of the board of appeals is required to adopt a procedural motion regarding a special exception application.

(2) In exercising its authority under this subsection, the district council may enact, for any zone, different voting requirements for different uses.

(b) The decisions of the administrative office or agency may be appealed to the board of appeals or other administrative body the district council designates.

§22–308.

This part applies only in Prince George's County.

§22–309.

(a) There is a board of appeals in Prince George's County.

(b) (1) The County Council of Prince George's County shall appoint at least three members to the board.

(2) Each member of the board shall be a resident of the regional district in Prince George's County.

(3) The term of a member is 4 years.

(4) A member who is appointed to fill a vacancy shall serve for the rest of the term.

(c) The board each year shall elect a chair and vice–chair.

(d) (1) All meetings of the board shall be public.

(2) The board shall keep minutes of its proceedings.

(3) (i) The board shall act by resolution.

(ii) A simple majority of the board must concur in any resolution.

(4) The board or any officer of the board may administer oaths and compel the attendance of witnesses.

(5) The district council may adopt regulations consistent with this subtitle to govern the organization and procedure of the board.

(6) The board may adopt supplemental rules of procedure consistent with this subtitle and the regulations of the district council.

(e) (1) The County Council shall determine the compensation of the members of the board.

(2) The County Council may provide staff for the board.

§22–310.

(a) Except as provided in subsection (b) of this section, the district council shall provide for the appeal of decisions of the zoning hearing examiner in special exception cases to the district council.

(b) If a special exception is contrary to the recommendation of a municipal corporation that has any portion of the property subject to the special exception in the municipal boundaries, the district council shall require a two–thirds vote of all district council members to approve the special exception.

§22–311.

(a) Appeals to the board of appeals may be taken by any person aggrieved by:

(1) the grant or denial of a building permit;

(2) the grant or denial of an occupancy or use permit; or

(3) any other administrative decision based wholly or partly on a zoning law enacted by the district council.

(b) The board may:

(1) hear and decide appeals alleging an error:

(i) in a grant or denial of a building, use, or occupancy permit;

(ii) in an order or a decision made by a building official or by the Commission on an application for a building or other permit; or

(iii) by an administrative officer or body in the administration of any zoning law adopted under this title;

(2) in accordance with regulations adopted by the district council, hear and decide requests for:

(i) special exceptions or map interpretations;

(ii) decisions on permits for extensions, substitutions, restorations, reinstatements, or reconstructions of lawful nonconforming uses; or

(iii) decisions on special questions that the board of appeals is required or authorized by the zoning laws to decide; and

(3) on an appeal relating to a specific piece of property, authorize a variance from strict application of a zoning law or amendment in order to relieve difficulty or hardship if:

(i) strict application of the zoning law or amendment would result in exceptional practical difficulty for, or exceptional or undue hardship on, the owner of the property because of the exceptional shape of the property at the time of the enactment of the zoning law or amendment or because of the exceptional situation or topographical conditions of the property; and

(ii) authorization of the variance will not cause a substantial impairment of the intent, purpose, and integrity of the zone as embodied in the zoning laws.

(c) (1) Nothing in subsection (b)(1) of this section authorizes the board to reverse or modify a denial of a permit or any other order or decision that conforms to this title and the zoning laws adopted under this title.

(2) The board may not make or amend any zoning law.

(d) (1) Before making a decision on an appeal, the board shall hold a hearing.

(2) Notice of the time and place of the hearing shall be mailed at least 7 days before the hearing to the appellant and to the owners of all properties contiguous to or opposite the subject property, measured at right angles to the intervening street or streets from the property.

(e) (1) The board may reverse or affirm, wholly or partly, or modify the decision appealed from.

(2) The decision of the board shall be by resolution and shall include a statement of the findings of fact and conclusions that support the decision.

(3) The resolution, or a copy of it, shall form part of the minutes or other records of the board.

§22–401.

This part applies only in Montgomery County.

§22–402.

(a) (1) Judicial review of a final action of the district council on an application for an individual map amendment or a sectional map amendment may be requested by:

(i) a person aggrieved by the action; or

(ii) a person or municipal corporation that appeared at the hearing in person, by attorney, or in writing.

(2) A petition for judicial review shall be filed in the Circuit Court for Montgomery County within 30 days after the district council takes the final action.

(3) The court may:

(i) affirm or reverse the action;

(ii) for any reason, remand the action to the district council for further consideration; or

(iii) dismiss the petition.

(b) (1) When a petition for judicial review is filed, a copy of the petition shall be served on the district council in accordance with Maryland Rule 7–202(d).

(2) On receiving a copy of the petition, the district council shall:

(i) promptly give notice of the petition to all parties to the proceeding before it; and

(ii) within 30 days after the filing of the petition, file with the circuit court:

1. the originals or certified copies of all papers and evidence presented to the district council in the proceeding before it; and

2. a copy of its opinion and resolution deciding the application.

(3) Any party to the proceeding in the circuit court aggrieved by the judgment of the court may appeal from the judgment to the Court of Special Appeals.

(4) The review proceedings provided by this section are exclusive.

(c) (1) The action of the district council shall be considered final unless, within 30 days after the action, the district council, on its own motion for any reason, reconsiders the action.

(2) The time for appeal provided in this section shall be stayed until any reconsideration is concluded.

§22–403.

(a) (1) Notwithstanding § 10–305 of the Local Government Article, judicial review of a decision by the board of appeals on an application for a zoning variance or special exception may be requested by any person or municipal corporation that appeared at the hearing in person, by attorney, or in writing.

(2) A petition for judicial review shall be filed in the Circuit Court for Montgomery County within 30 days after the decision by the board.

(3) The court may:

(i) affirm or reverse the action;

(ii) for any reason, remand the action to the board for further consideration; or

(iii) dismiss the petition.

(4) Any party to the proceeding in the circuit court may appeal from the judgment of the court to the Court of Special Appeals.

(b) The review proceedings provided by this section are exclusive.

§22–406.

This part applies only in Prince George's County.

§22–407.

(a) (1) Judicial review of any final decision of the district council, including an individual map amendment or a sectional map amendment, may be requested by any person or entity that is aggrieved by the decision of the district council and is:

(i) a municipal corporation, governed special taxing district, or person in the county;

(ii) a civic or homeowners association representing property owners affected by the final decision;

(iii) the owner of the property that is the subject of the decision; or

(iv) the applicant.

(2) A petition for judicial review under this subsection shall be filed in the Circuit Court for Prince George's County within 30 days after service of the final decision by the district council.

(3) Copies of the petition shall be served on the district council and all other persons of record in accordance with the Maryland Rules.

(4) The filing of the petition does not stay enforcement of the final decision of the district council, but the district council may stay enforcement of its final decision or the reviewing court may order a stay on terms it considers proper.

(b) (1) Within 30 days after service of a petition under subsection (a) of this section, or within an additional period of time authorized by the court, the district council shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review.

(2) The court may:

(i) shorten the record by stipulation of all parties to the review proceeding;

(ii) charge any party unreasonably refusing to stipulate to limit the record for the additional cost; and

(iii) require or allow subsequent corrections to the record that the court considers advisable.

(c) (1) The court shall order that additional evidence be taken before the district council on conditions the court considers proper if:

(i) before the date set for the hearing on the petition for judicial review, the petitioner or any party in interest makes a written application to show cause to the court for leave to present additional evidence on the issues in the case; and

(ii) it is shown to the satisfaction of the court after a hearing that the additional evidence is material and that there were good reasons for the failure to present the additional evidence in the proceedings before the district council.

(2) If the court orders that additional evidence be taken before the district council, it shall immediately remand the case to the district council to receive that additional evidence.

(3) If the district council receives additional evidence, the district council:

(i) may modify or reverse its previous findings and decision because of the additional evidence; and

(ii) shall file with the reviewing court, to become part of the record, the additional evidence together with any modifications or new findings or decision.

(d) (1) The court shall conduct the judicial review without a jury.

(2) In cases where there are alleged irregularities in procedure before the district council not shown in the record, testimony relating to the alleged irregularities may be taken in the court.

(3) The court shall hear oral argument and receive written briefs on request.

(e) The court may:

(1) affirm the decision of the district council;

(2) remand the case for further proceedings; or

(3) reverse or modify the decision if the substantial rights of the petitioner have been prejudiced because the district council's action is:

(i) unconstitutional;

(ii) in excess of the statutory authority or jurisdiction of the district council;

(iii) made on unlawful procedure;

(iv) affected by other error of law;

(v) unsupported by competent, material, and substantial evidence in view of the entire record as submitted; or

(vi) arbitrary or capricious.

(f) (1) A final judgment of the circuit court may be appealed to the Appellate Court of Maryland by:

(i) the district council;

(ii) the applicant; or

(iii) any aggrieved party to the circuit court proceedings.

(2) Each member of the district council is entitled to vote on whether the district council shall appeal to the Appellate Court of Maryland, regardless of whether the member participated in the hearing on the matter or in the decision.

§22–408.

(a) (1) Any party to a proceeding before the board of appeals aggrieved by the decision of the board may request judicial review of the decision by the Circuit Court for Prince George's County.

(2) The circuit court may affirm the decision of the board, or, if the decision is not in accordance with law, modify or reverse the decision, with or without remanding the case for rehearing.

(3) Any party to the proceeding in the circuit court aggrieved by the judgment of the court may appeal the decision to the Appellate Court of Maryland.

(b) (1) The board of appeals shall take any action necessary to enforce any final decision of the board.

(2) Any request or application for a stay from a final decision of the board shall be filed in the Circuit Court for Prince George's County.

(3) Unless modified or reversed by the circuit court, a decision of the board concerning any nonconforming occupancy or use is binding on the parties and continues in force and effect.

§23–101.

This title does not apply to a good–faith division or partition of exclusively agricultural land that is not made for development purposes.

§23–102.

(a) (1) Except as provided in subsection (c) of this section, a subdivision plat of land in the regional district may not be admitted to the land records of Montgomery County or Prince George's County, or received or recorded by the clerks of the courts of the respective county, unless:

(i) the plat has been submitted to and approved by the applicable county planning board; and

(ii) the chair of the county planning board and the secretary–treasurer of the Commission endorse an approval in writing on the plat.

(2) The recordation of a subdivision plat without the approval of the county planning board is void.

(b) (1) In Prince George's County, if the subdivision regulations distinguish between a major subdivision and a minor subdivision, the Commission may provide for the approval of a minor subdivision plat by the planning director.

(2) The planning director's endorsement in writing on the minor subdivision plat is sufficient evidence of approval for the purpose of filing or recording the plat.

(c) A subdivision in a municipal corporation with subdivision authority under Division II of the Local Government Article that is in the regional district may be recorded in the land records of Montgomery County or Prince George's County if:

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

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

(d) (1) The county planning board may set a schedule of fees to be paid to the Commission for performance of the county planning board's subdivision functions.

(2) The fees shall be:

(i) based on the estimated costs of services to be performed by the county planning board in connection with the consideration of subdivision plats and incidental work; and

(ii) paid into the Commission's administrative fund established under § 18–307 of this article before a subdivision plat is approved or disapproved.

(e) (1) After a subdivision plat has been recorded by the clerk of the appropriate circuit court, the plat shall be firmly fixed in a well–bound book kept by the clerk of the court for recording plats.

(2) The clerk may collect a fee that the clerk determines is reasonable for recording a subdivision plat.

(f) (1) A subdivision plat shall be prepared in a manner required by the Commission by regulation.

(2) An approved subdivision shall have permanent markers, bound stones, or stations:

(i) as required by the Commission; and

(ii) that are shown on the subdivision plat.

(3) A copy of an approved subdivision plat shall be provided to the Commission and to the district council of the county where the land is located.

§23–103.

(a) Except as provided in subsection (b) of this section, in connection with the approval of a subdivision plat, the appropriate county planning board may require a dedication of land for:

(1) an interior subdivision road;

(2) a road that abuts the subdivision for the purpose of creating a new road as part of the plan of subdivision to provide for traffic access to another subdivision road; and

(3) the widening of an existing or public road that abuts the subdivision for the purpose of providing additional right–of–way adequate to serve additional traffic that will be generated by the subdivision.

(b) The county planning board may not require a dedication of land under subsection (a) of this section that:

(1) exceeds the area required to produce a total right–of–way for:

(i) a secondary road, as defined by local law; or

(ii) a primary road if the applicable master plan designates the road as a primary or arterial road;

(2) has a width that exceeds the area that is required for a primary road; and

(3) has a width that exceeds the area that is required for a secondary road, unless the applicable master plan designates the road as a primary or arterial road.

(c) (1) Notwithstanding subsections (a) and (b) of this section, in Montgomery County, in connection with the approval of a subdivision plat, the

Commission may require a dedication of land in accordance with the standards and limitations set forth in the subdivision regulations.

(2) The standards established by the subdivision regulations shall relate the area of dedication to:

(i) the total size of the subdivision;

(ii) the maximum road right–of–way or improvement required for that category of land use as established by local law of the applicable jurisdiction; and

(iii) the increased traffic, lane, and right–of–way requirements that would be created by the maximum utilization and development of the subject property:

1. in the property's present zone classification; or

2. in the property's higher use zone classification, as shown on an adopted and approved master plan of the applicable jurisdiction.

(3) (i) In accordance with the standards established by the subdivision regulations and except as provided in subparagraph (ii) of this paragraph, the subdivision regulations may require dedication of a road to public use to the full extent of the required right–of–way.

(ii) If a road is classified in the subdivision regulations as a limited access or controlled highway, a dedication of a road to public use may be required only for adequate traffic access to those subdivisions to which access is allowed.

(d) In Prince George's County, a master plan of transportation shall be approved by the district council.

§23–104.

(a) (1) In exercising the subdivision powers under §§ 23–102 and 23–103 of this subtitle, the Commission or the governing body of Montgomery County or Prince George's County may adopt subdivision regulations and amendments governing a subdivision in:

(i) the regional district; or

(ii) the respective portion of the regional district in the county.

(2) Except as provided in paragraph (3) of this subsection, the regulations and amendments adopted under this section:

(i) shall be adopted by the respective governing body of the county;

(ii) may be amended by the respective governing body of the county; and

(iii) shall be effective from:

1. the date of adoption; or

2. the date designated by the respective governing body of the county.

(3) If the governing body of the county designates an effective date for the subdivision regulations, the effective date may not affect:

(i) the county planning board's administration of the regulations; or

(ii) the county planning board's functions under §§ 23–102 and 23–103 of this subtitle.

(b) (1) In Montgomery County:

(i) within 3 days after adopting a subdivision regulation or amendment, the district council shall submit the regulation or amendment to the County Executive; and

(ii) within 10 days after the subdivision regulation or amendment is submitted, the County Executive shall approve or disapprove the regulation or amendment.

(2) If the County Executive disapproves the subdivision regulation or amendment, the County Executive shall return the regulation or amendment to the district council with the reasons for the disapproval stated in writing.

(3) By the affirmative vote of eight of its members, the district council may enact the subdivision regulation or amendment over the disapproval of the County Executive.

(4) A subdivision regulation or amendment that has not been disapproved by the County Executive in accordance with this subsection is considered to be approved.

(c) (1) Subject to paragraph (2) of this subsection and subsection (d) of this section, the subdivision regulations may include provisions for:

(i) the harmonious development of the regional district;

(ii) the coordination of roads within the subdivision with:

1. existing planned or platted roads;

2. features of the regional district;

3. that county's general plan; or

4. a transportation plan adopted by the Commission as part of that county's general plan;

(iii) 1. adequate open spaces for transportation, recreation, light, and air, by dedication or otherwise;

2. the dedication to public use or conveyance of areas designated for dedication under the zoning and subdivision regulations; and

3. in lieu of dedication, the payment of a monetary fee that meets the requirements of subsection (d) of this section;

(iv) the reservation of land for:

1. public buildings, including schools;

2. parks and playgrounds;

3. roads;

4. mass transit facilities, including busways or light rail facilities; and

5. any other public purpose;

(v) the conservation or production of adequate transportation, water drainage, and sanitary facilities;

(vi) the preservation of the location of, the volume and flow of water in, and other characteristics of natural streams and other waterways, including the establishment of a stormwater management program in Montgomery County for the purpose of:

1. allowing the county to accept monetary contributions;

2. granting an easement; or

3. dedicating land;

(vii) the proper management of growth and development;

(viii) the avoidance of a scattered or premature subdivision that otherwise may:

1. result in danger or injury to health, safety, or welfare due to the lack of water supply, drainage, transportation, or other public services; or

2. necessitate an excessive expenditure of public funds for the supply of services;

(ix) the conformity of resubdivided lots to the character of lots within the existing subdivision with respect to area, frontage, and alignment to existing lots and roads;

(x) except for agricultural or recreational purposes, the control of subdivision or building in floodplain areas and in streams and drainage courses, and on unsafe land areas;

(xi) the preservation of outstanding natural or cultural features and historic sites or structures;

(xii) any benefit to the health, comfort, safety, or welfare of the present and future population of the regional district;

(xiii) the extent and manner to which the following actions shall be taken before the approval of a plat:

1. the grading and improvement of roads;

2. the building of curbs, gutters, and sidewalks;

3. the installation of water, sewer, and other utility mains, piping, connections, and facilities; and

4. the planting or conservation of trees; or

(xiv) in Montgomery County:

1. adequate recreational facilities; or

2. in lieu of providing recreational facilities, the payment of a fee that does not exceed the cost of providing adequate recreational facilities to serve the subdivision.

(2) (i) Unless each person that owns a legal or equitable interest in the property has provided written approval, the subdivision regulations may not provide for a reservation of land for traffic, recreation, or any other public purpose for a period longer than 3 years.

(ii) A property that is reserved for public use under the subdivision regulations shall be exempt from all State, county, and local taxes during the period of reservation.

(d) (1) Subject to paragraph (2) of this subsection, a monetary fee that is paid in lieu of a dedication of land for the use and benefit of the subdivision in cases where dedication would be impractical under subsection (c)(1)(iii) of this section shall:

(i) be based on the current market value of the land after the land is approved for development; and

(ii) 1. be used by the Commission to purchase open spaces; or

2. be used by the Commission to develop or otherwise improve land or recreational facilities that will assist in supplying the overall recreational needs of the subdivision if:

A. the Commission determines that suitable land is not available for acquisition to serve the subdivision from which a fee has been exacted; or

B. adequate open space has previously been acquired and is available to serve the subdivision.

(2) If the subdivision is in a municipal corporation in Prince George's County that is not in the metropolitan district but is in the regional district, on request by the municipal corporation, the mandatory fee in lieu of dedication received by the Commission shall be paid to and used by the municipal corporation to:

(i) purchase open space for the use and benefit of the subdivision; or

(ii) develop or otherwise improve land or recreational facilities that will assist in supplying the overall recreational and open space needs of the subdivision.

§23–105.

(a) Before the Commission or the governing body of Montgomery County or Prince George's County may adopt a subdivision regulation or an amendment to a subdivision regulation or amendment, the respective county council shall hold a public hearing on the regulation or amendment.

(b) The county council shall publish notice of the time and place of the public hearing in at least one newspaper of general circulation in the regional district in the respective county at least 30 days before the hearing.

§23–106.

(a) In addition to any other authority granted by this division, the County Council of Montgomery County and the County Council of Prince George's County, by local law, may impose in their respective counties standards and requirements for the purpose of avoiding scattered or premature subdivision or development of land because of the inadequacy of transportation, water, sewerage, drainage, school, or other public facilities.

(b) (1) This subsection does not apply to any property located in an infrastructure finance district approved before January 1, 2000.

(2) Notwithstanding subsection (a) of this section, the County Council of Prince George's County shall impose adequate public facilities standards and requirements under subsection (a) of this section with respect to schools.

§23–107.

(a) The applicable county planning board shall require a plat of any land reserved for public use under this subtitle that shows:

(1) the survey location of the land;

(2) the names and addresses of the landowners; and

(3) any other information required for:

(i) filing the plat among the land records of the county in which the land is located; and

(ii) the proper indexing of the plat.

(b) The plat shall:

(1) comply with all requirements for recording of plats among the land records; and

(2) be recorded by the clerk of the court of the county in which the land is located.

§23–108.

The subdivision regulations in force before April 28, 1959, within the respective portions of the regional district in Montgomery County and Prince George's County are considered to have been adopted in the manner required under this subtitle.

§23–201.

(a) (1) The appropriate county planning board shall approve or disapprove a subdivision plat within 30 days after the plat is submitted to the county planning board.

(2) If the county planning board does not take action in accordance with paragraph (1) of this subsection:

(i) the plat shall be considered approved; and

(ii) the county planning board shall issue a certificate of approval on demand.

(3) An applicant may consent to an extension.

(b) A plat submitted to the county planning board shall contain the name and address of a person that may be sent notice of a hearing.

(c) (1) The county planning board shall hold a hearing before taking action on a subdivision plat, unless:

(i) the county planning board approves the plat exactly as the plat was submitted by the applicant to the county planning board; or

(ii) the applicant waives the hearing requirement in the application.

(2) At least 5 days before a hearing, the county planning board shall send notice of the hearing to the address included with the plat in accordance with subsection (b) of this section.

(3) Subdivision regulations may include provisions for:

(i) notice to owners of properties that would be substantially affected by approval of a subdivision plat;

(ii) public hearings on the applications; and

(iii) an appeal to the district council from a decision approving or disapproving a subdivision plat.

(d) The grounds for disapproval of a plat shall be stated on the records of the county planning board.

§23–202.

(a) This section applies only in Montgomery County.

(b) (1) The subdivision regulations shall provide that before the county planning board takes action on a preliminary subdivision plan, the plan shall be referred to the County Executive for a recommendation as to whether public facilities are adequate to support and service the area of the proposed subdivision.

(2) The County Executive shall return the preliminary subdivision plan to the county planning board with a recommendation of approval or disapproval based on:

(i) criteria developed by the County Executive and approved by the district council; and

(ii) standards set forth in the county subdivision regulations.

(c) (1) This subsection applies to property that:

(i) is located in a municipal corporation or governed special taxing district; or

(ii) shares a common boundary line, or a part of a common boundary line, with property located entirely in a municipal corporation or governed district.

(2) This subsection does not apply to a municipal corporation that exercises zoning, planning, and subdivision authority under Division I of this article.

(3) The subdivision regulations and zoning law shall provide that, before any action is taken by the county planning board on an application for a preliminary subdivision plan, project plan, or site plan review for property described in paragraph (1) of this subsection, a copy of the application shall be referred promptly to the municipal corporation or governed district for review and comment.

(4) If the municipal corporation or governed district chooses to comment, the municipal corporation or governed district promptly shall forward its written comments to the county planning board.

(d) (1) On referral of a preliminary plan proposing the resubdivision of residentially zoned property located in a municipal corporation or governed special taxing district, the municipal corporation or governed district shall make an initial determination whether to transmit a recommendation concerning the plan to the county planning board.

(2) If the municipal corporation or governed district chooses to transmit a recommendation, the municipal corporation or governed district shall:

(i) hold a hearing before it transmits the recommendation to the county planning board; and

(ii) provide reasonable public notice of the hearing.

(3) A recommendation transmitted under this subsection shall:

(i) be in writing; and

(ii) based on the record of the hearing, include all pertinent findings of fact and conclusions of law supporting the recommendation.

(4) A municipal corporation or governed district may recommend denial of a plan under this subsection only if the municipal corporation or governed district determines that the plan does not comply with a particular provision of the subdivision regulations.

(5) If a municipal corporation or governed district recommends denial of a plan, it shall transmit a written record of the hearing to the county planning board for inclusion in the record compiled by the county planning board.

(6) A municipal corporation or governed district shall be considered to have waived its right to make a recommendation under this subsection unless it transmits its written recommendation and complete record, if required, to the county planning board within 45 days after the delivery of the plan and application by the county planning board.

(7) A two–thirds majority vote of the members of the county planning board then present and participating is required to override a recommendation of a municipal corporation or governed district to deny a residential resubdivision application.

§23–203.

The county planning board may provide in the subdivision regulations for:

(1) a preapplication procedure;

(2) subdivision approval; and

(3) tentative or conditional approval or disapproval of preliminary plans.

§23–204.

(a) This section applies only in Montgomery County.

(b) The subdivision regulations may:

(1) establish a time period within which the county planning board shall approve or disapprove a preapplication or preliminary plan submission; and

(2) provide that an applicant may:

(i) waive the time period within which the county planning board shall take action in accordance with item (1) of this subsection; and

(ii) consent to an extension of the time period.

(c) (1) A preapplication or preliminary plan submission that has not been approved or disapproved in accordance with this section is considered approved.

(2) If a preapplication or preliminary plan submission is considered to have been approved under this subsection, on demand, the county planning board shall issue a certificate of approval.

(d) If the county planning board disapproves a preapplication or preliminary plan submission, the county planning board shall:

(1) state the grounds for disapproval in the records of the county planning board; and

(2) mail, postage prepaid, a copy of the record stating the grounds for disapproval to all parties of record at their last address.

§23–205.

(a) This section applies only in Prince George's County.

(b) (1) The county planning board shall approve or disapprove a preliminary subdivision plan within 70 days after the complete plan application is submitted to the county planning board.

(2) If the county planning board does not take action in accordance with paragraph (1) of this subsection:

(i) the plan shall be considered approved; and

(ii) the county planning board shall issue a certificate of approval on demand.

(3) The 70–day time period under paragraph (1) of this subsection does not include:

(i) the month of August; or

(ii) December 20 through January 3.

(c) (1) Each office to which the county planning board refers a preliminary subdivision plan shall return to the county planning board one copy of the plan and any comments noted on it within 30 days after the referral.

(2) If an office does not reply in accordance with paragraph (1) of this subsection, the plan shall be considered to be approved by the office.

(d) An applicant may consent to an extension not greater than 70 days.

§23–206.

In Prince George's County, the subdivision regulations may provide for:

(1) the classification of a subdivision as a major or minor subdivision; and

(2) a sketch plan that:

(i) in the case of a minor subdivision, may be approved by the planning director and filed as the record plat; and

(ii) in the case of a major subdivision, may be required before the submission of a preliminary plan of subdivision.

§23–207.

(a) Subject to subsection (b) of this section, the subdivision regulations may provide for tentative approval of a plat before improvements and installations.

(b) Tentative approval of a plat may not:

(1) be entered on the plat; or

(2) entitle the plat to be filed or recorded.

(c) (1) Instead of requiring the completion of improvements or installation of utilities before the approval of a plat, the county planning board or county may accept security to secure the construction of improvements and installation of utilities at a time and according to specifications set by or in accordance with the subdivision regulations.

(2) The county planning board or county may enforce the security by any appropriate legal or equitable remedy.

(d) (1) This subsection applies only in Montgomery County.

(2) The county planning board, or a designee of the county planning board, may tentatively approve a subdivision plat subject to the completion of specified conditions.

(3) A tentative approval of a subdivision plat under this subsection may not:

(i) be entered on the subdivision plat; or

(ii) allow the subdivision plat to be filed or recorded.

(4) The county planning board, through its chair or a designee, may not endorse a subdivision plat that is subject to specified conditions before all the conditions are completed.

(5) If all the conditions specified in the tentative approval are completed, a postcompletion hearing before the county planning board is not required before the subdivision plat is approved and submitted to the land records of Montgomery County.

§23–301.

(a) (1) An owner or agent of an owner of land located in a subdivision may not transfer or sell land by reference to, exhibition of, or other use of a plat of a subdivision before the plat has been:

(i) approved by the county planning board; and

(ii) recorded in the office of the clerk of the circuit court of the county in which the property is located.

(2) A person who violates this subsection is subject to a penalty of $100 for each lot or parcel transferred or sold in violation to be paid to the district council.

(b) The description of a lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of transferring or selling does not exempt the transaction from the penalties or remedies provided in this section.

(c) The district council may:

(1) enjoin the transfer, sale, or agreement in any circuit court; or

(2) recover the penalty by civil action in any court of competent jurisdiction.

§23–302.

(a) (1) The clerk of the circuit court of Montgomery County or Prince George's County may not record a subdivision plat in the regional district unless the plat has been endorsed in writing by the county planning board.

(2) A plat is invalid if it is recorded without being endorsed by the county planning board.

(b) The Commission may institute proceedings against the clerk of the circuit court of Montgomery County or Prince George's County to compel the clerk to strike from the county land records a subdivision plat that is recorded but not approved in accordance with subsection (a) of this section.

(c) A court of competent jurisdiction may issue appropriate orders for purposes of this section.

§23–401.

(a) (1) Within 30 days after the county planning board takes final action on an application for subdivision approval, judicial review may be requested by:

(i) a person aggrieved by the action;

(ii) in Montgomery County, a person or municipal corporation that appeared at the hearing in person, by attorney, or in writing; or

(iii) in Prince George's County, a municipal corporation that appeared at the hearing in person, by attorney, or in writing.

(2) A petition for judicial review filed under this section may be made to the circuit court for the appropriate county.

(3) The court may:

(i) affirm or reverse the action; or

(ii) remand the action to the county planning board for further consideration.

(b) (1) If a petition for judicial review is filed under this section, a copy of the petition shall be served on the county planning board in accordance with Maryland Rule 7–202(d).

(2) On receiving a copy of the petition, the county planning board shall:

(i) promptly give notice of the petition to all parties to the proceeding before it; and

(ii) within 30 days after the filing of the petition, file with the circuit court:

1. the originals or certified copies of all papers and evidence presented to the county planning board in the proceeding before it; and

2. a copy of its opinion and resolution deciding the application.

(3) Any party to the proceeding in the circuit court aggrieved by the judgment of the court may appeal from the judgment to the Appellate Court of Maryland.

(4) The review proceedings provided by this section are exclusive.

§23–501.

(a) The county planning board or the governing body of the appropriate county may institute injunction, mandamus, or other appropriate action or proceedings to compel the construction and installation of improvements or conservation of resources at a time and according to specifications set by or in accordance with this division.

(b) Any court of competent jurisdiction has jurisdiction to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

§23–504.

This part applies only in Montgomery County.

§23–505.

(a) In addition to all other remedies provided by law, the district council may authorize the county planning board to impose civil monetary fines or penalties and, if the public health, safety, or welfare is threatened, issue stop work orders for a violation of:

(1) this division;

(2) county subdivision regulations and zoning laws;

(3) any law or regulation that the Commission or the county planning board is exclusively authorized to administer; or

(4) any decision made by the Commission or the county planning board under its respective authority.

(b) (1) A fine not to exceed $500 may be imposed for each violation under this part.

(2) The district council may establish a schedule of fines for each violation and may adopt procedures, consistent with this part, for imposing and collecting the fines.

(3) Each day a violation occurs is a separate violation under this part.

§23–506.

(a) (1) The district council may provide that the county planning board may enforce the imposition of fines and penalties in a manner consistent with the process requiring notification and hearing under Title 11, Subtitle 2 of this article.

(2) The imposition of fines and penalties under this part is not subject to an appeal to the Board of Appeals.

(b) The district council may provide for the county planning board, through counsel, to prosecute violations for which civil monetary fines or penalties are imposed.

(c) A violation of a local law implementing the State Forest Conservation Law shall be enforced in accordance with Title 5, Subtitle 16 of the Natural Resources Article and not in accordance with this part.

§24–101.

This title applies only in Montgomery County.

§24–201.

(a) The Town of Kensington has concurrent jurisdiction to enforce the county zoning laws within its boundaries.

(b) A two–thirds majority vote of both the district council and the county planning board is required to take any action relating to zoning within the Town of Kensington that is contrary to a resolution of the Mayor and Town Council.

(c) A two–thirds majority vote of the county planning board is required to take any action relating to land use planning within the Town of Kensington that is contrary to a resolution of the Mayor and Town Council.

§24–202.

(a) The City of Takoma Park has concurrent jurisdiction to enforce the county zoning laws within its boundaries.

(b) A two–thirds majority vote of both the district council and the county planning board is required to take any action relating to zoning within the City of Takoma Park that is contrary to a resolution of the Mayor and City Council.

(c) A two–thirds majority vote of the county planning board is required to take any action relating to land use planning within the City of Takoma Park that is contrary to a resolution of the Mayor and City Council.

§24–301.

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

(b) "Agreement" means a development rights and responsibilities agreement to establish the conditions under which development of real property may proceed that is:

(1) of a specified duration;

(2) made between:

(i) the county planning board or its designee;

(ii) a reviewing entity; and

(iii) a person having a legal or equitable interest in the property; and

(3) approved by the district council or the County Executive.

(c) (1) "Development" means any activity that materially affects the existing condition or use of any land or structure.

(2) "Development" does not include normal agricultural activity.

(d) "Regulatory plan" means an application proposing development on privately owned land that must be submitted to the county planning board for review and final approval under this division or county law or regulation.

(e) "Reviewing entity" means the County Executive or other local, State, or federal government or unit that agrees to execute an agreement.

§24–302.

This subtitle does not:

(1) require the district council to adopt a local law; or

(2) authorize the district council, the Commission, or a designee of either unit to require a party to enter into an agreement.

§24–303.

(a) In accordance with this section, the district council may adopt local laws that establish procedures and requirements for the execution of agreements.

(b) A local law adopted under this section by the district council shall authorize the county planning board to:

(1) if approved by the district council or County Executive, execute agreements affecting real property in the portion of the regional district in Montgomery County with a person having a legal or equitable interest in the property; and

(2) if requested by any party, include a reviewing entity as an additional party to the agreement.

(c) A local law adopted under this section may specify the circumstances under which a person may request the negotiation and execution of an agreement, including:

(1) the size, use, zoning, or staging plan of the proposed development; or

(2) other relevant factors, including:

(i) the provision of public benefits or amenities; or

(ii) growth management policies adopted by the county.

§24–304.

(a) (1) Before entering into an agreement, a person having a legal or equitable interest in real property, or the person's representative, shall request that the county planning board consider negotiating and executing an agreement.

(2) A request under paragraph (1) of this subsection shall be made as part of a regulatory plan authorized by this division.

(b) Except as provided under subsection (c) of this section, the county planning board may agree to negotiate and enter into an agreement.

(c) The county planning board may not enter into an agreement unless the county planning board has:

(1) held a public hearing on the proposed agreement; and

(2) determined that the proposed agreement is consistent with the Commission's general plan.

(d) A public hearing for a regulatory plan satisfies the requirement for a public hearing in subsection (c) of this section.

§24–305.

(a) An agreement shall include:

(1) a legal description of the real property subject to the agreement;

(2) the names of all persons having a legal or equitable interest in the property;

(3) the duration of the agreement;

(4) the permissible uses of the real property;

(5) the permissible density or intensity of use of the real property;

(6) the maximum height and size of structures;

(7) the general location of all structures and supporting facilities and features;

(8) a description of all anticipated permits required or already approved for the development of the real property;

(9) a statement that the proposed development is consistent with:

(i) the Commission's general plan; and

(ii) all applicable development laws and regulations administered by the county planning board;

(10) a description of the requirements determined by a county planning board to be necessary to ensure the public health, safety, and welfare; and

(11) to the extent applicable, provisions for the:

(i) dedication of a portion of the real property for immediate or future public use;

(ii) protection of sensitive areas;

(iii) preservation and restoration of historic structures; and

(iv) construction or financing of public facilities.

(b) An agreement may:

(1) establish the terms by which, and any period of time when, development or individual phases shall begin and be completed;

(2) incorporate the terms and conditions that would be included in other enforceable agreements and instruments between the parties required as part of a regulatory plan; and

(3) provide for other matters in accordance with this division.

(c) An agreement may not prevent a county planning board, district council, County Executive, or other local, State, or federal government from requiring a person to comply with laws, rules, regulations, and policies enacted after the parties executed the agreement if the district council or the County Executive determines that compliance with the laws, rules, regulations, and policies is essential to ensure the public health, safety, or welfare.

§24–306.

(a) Except as otherwise provided in the agreement under § 24–305(a)(3) of this subtitle or extended by amendment under subsection (b) of this section and § 24–308 of this subtitle, an agreement is void 5 years after execution by the parties.

(b) If approved by the district council or County Executive, as appropriate, the term of an agreement may be extended.

§24–307.

During the term of an agreement:

(1) development may occur in accordance with the law and regulations governing the use, density, or intensity of the real property:

(i) enacted by the district council and administered by the county planning board or county; and

(ii) if applicable, enacted by a reviewing entity and in effect when the project was reviewed and approved by the county planning board and reviewing entity; and

(2) except as provided in § 24–305(c) of this subtitle, changes to the law and regulations described in paragraph (1) of this section enacted after the parties execute an agreement do not apply to development under the agreement.

§24–308.

(a) Except as provided in subsection (b) of this section, the parties to an agreement may amend the agreement by mutual consent.

(b) (1) The parties to an agreement may not amend the agreement unless:

(i) there has been a public hearing on the proposed amendment; and

(ii) the district council or County Executive, as appropriate, approves any substantial amendment.

(2) A county planning board may not amend an agreement unless the county planning board determines that the proposed amendment is consistent with the Commission's general plan.

§24–309.

(a) The parties to an agreement may terminate the agreement by mutual consent.

(b) (1) Except as provided under paragraph (2) of this subsection, if the county planning board determines that suspension or termination of an agreement is essential to ensure the public health, safety, or welfare, the county planning board may suspend or terminate the agreement.

(2) The county planning board may not suspend or terminate an agreement unless:

(i) there has been a public hearing on the suspension or termination; and

(ii) the district council or County Executive, as appropriate, approves the suspension or termination.

§24–310.

(a) (1) An agreement shall be recorded in the land records of Montgomery County.

(2) If an agreement is not recorded as required under paragraph (1) of this subsection within 20 days after its execution by all parties, the agreement is void.

(b) When an agreement is recorded under subsection (a) of this section, the parties to the agreement and their successors in interest are bound to the agreement.

§24–311.

(a) Unless terminated under § 24–309 of this subtitle, an agreement may be enforced by the parties to the agreement or their successors in interest using all remedies available by law.

(b) No right to an administrative appeal arises from the negotiation or enforcement of an agreement.

§25–101.

This title applies only in Prince George's County.

§25–201.

Notwithstanding any other State law, in its rules and procedures the district council may allow a duly elected officer of a bona fide civic association or homeowners association to represent the association before the county planning board, district council, zoning hearing examiner, or board of appeals regardless of whether that individual is an attorney.

§25–202.

(a) The People's Zoning Counsel or any party of record may request the continuance of a hearing in accordance with this section.

(b) The zoning hearing examiner shall grant a continuance if a required technical staff report has not been filed at least 30 days before the scheduled hearing.

(c) If a continuance is granted under this section, the zoning hearing examiner may not hear the case for at least 30 days after the technical staff report is filed.

§25–203.

(a) All witnesses appearing in a hearing before the district council are subject to cross–examination.

(b) (1) The district council may establish rules for the administering of oaths to and the cross–examination of witnesses appearing to testify at district council hearings.

(2) Before establishing rules under this subsection, the district council shall conduct a public hearing on the proposed rules.

§25–204.

A contested application for a map amendment or special exception may not be granted or denied without written findings of material facts and conclusions.

§25–205.

The record of every district council hearing on a map amendment or special exception shall include:

(1) the vote of each member;

(2) whether the member abstained from voting; or

(3) whether the member was absent.

§25–206.

If the People's Zoning Counsel has a reasonable belief that a final action on an application for a subdivision, special exception, variance, or site plan is arbitrary and capricious, the People's Zoning Counsel may petition for judicial review of the final action on behalf of a bona fide citizens association that is entitled to judicial review under this division.

§25–207.

(a) In this section, "date of disapproval" means:

(1) the date of the decision of the district council; or

(2) in case of judicial review, the date of the final judgment of the circuit court.

(b) If the district council wholly or partly disapproves an application for a map amendment, it may not act on a subsequent application for any portion of the same land:

(1) within 18 months after the date of the first disapproval; and

(2) within 24 months after the date of any subsequent disapproval.

(c) In any subsequent application for any portion of the same land and for the same zoning classification or the same purpose for special exception, by the same applicant, the district council may not base its findings solely on any fact or circumstance that was presented at the hearing on the prior application.

§25–208.

The district council may not approve a special exception to construct or operate a rubble landfill:

(1) at a site without a three–fourths majority vote of the district council; or

(2) if an application for a special exception to construct or operate a rubble landfill at the site was previously denied on or after October 1, 1981.

§25–209.

(a) The Commission shall prepare a report in accordance with this section before a zoning hearing examiner or the district council may conduct a hearing on a request for a special exception to mine sand or gravel.

(b) The report shall comprehensively evaluate the request by analyzing the impact of the proposed mining activities on the surrounding area, considering only:

(1) noise;

(2) watershed and water quality;

(3) airshed and air quality;

(4) traffic and traffic safety; and

(5) other environmental factors relating to the health, safety, and welfare of the residents in the affected area.

(c) In addition to the initial filing fee, the applicant shall pay a fee not to exceed $8,000 for the services of the Commission to prepare the report.

§25–210.

(a) (1) Subject to subsection (b) of this section, the district council may review a final decision of the county planning board to approve or disapprove a detailed site plan.

(2) A party of record may appeal to the district council a final decision by the county planning board to approve or disapprove a site plan.

(b) The district council may only decide whether to review the final approval or disapproval of a detailed site plan under this section within 30 days after the date the final approval or disapproval was issued.

(c) (1) Except as provided in paragraph (2) of this subsection, if the district council decides to review an approval or a disapproval under this section, the district council shall hold a hearing within 70 days after the district council issues the decision to conduct a review.

(2) The district council may decide to extend the time to hold a hearing under paragraph (1) of this subsection for up to 45 additional days on its own motion or on request of the applicant.

(d) The district council shall issue a final decision within 60 days after the date of the hearing.

(e) The district council may revoke a delegation of site plan approval authority to the county planning board only for the purpose of delegating approval authority over detailed site plans to the governing body of a municipal corporation in the regional district under § 25–301(c)(2)(ix) of this title.

§25–211.

If the United States Department of Agriculture sells any portion of the property known as the Beltsville Agricultural Research Center, the district council shall place and permanently maintain the land in a zoning classification of agricultural open space immediately after the transfer of the land to the buyer.

§25–212.

In Prince George's County, a person may make a request to the district council for the review of a decision of the zoning hearing examiner or the county planning board only if:

(1) the person is an aggrieved person that appeared at the hearing before the zoning hearing examiner or county planning board in person, by an attorney, or in writing; and

(2) the review is expressly authorized under this division.

§25–213.

In Prince George's County, when the district council is hearing a zoning matter that has been appealed from a decision of a zoning hearing examiner, the district council:

(1) may remand the zoning matter back to the zoning hearing examiner only one time; and

(2) shall specify that the zoning hearing examiner take action within 30 days after the matter is remanded and relevant information is received from the applicant or the district council.

§25–301.

(a) Except as otherwise provided in this section, the district council may provide that the governing body of a municipal corporation may exercise the powers of the district council as specified in this subtitle.

(b) When exercising authority delegated under subsection (c) or (d) of this section, the governing body of a municipal corporation:

(1) shall be subject to the substantive and procedural requirements and standards established by the district council; and

(2) may not impose:

(i) with respect to general delegation under subsection (c) of this section, a different requirement or standard than the requirements or standards that would apply if the district council had not delegated its authority to the municipal corporation; or

(ii) with respect to delegation in a revitalization overlay zone under subsection (d) of this section, a stricter requirement or standard than the requirements or standards that would apply if the district council had not delegated its authority to the municipal corporation.

(c) (1) This subsection applies to land in a municipal corporation in the regional district.

(2) The district council may delegate to the governing body of a municipal corporation the powers of the district council regarding:

(i) design standards;

(ii) parking and loading standards;

(iii) sign design standards;

(iv) lot size variances and setback and similar requirements;

(v) landscaping requirements;

(vi) certification, revocation, and revision of nonconforming uses;

(vii) minor changes to approved special exceptions;

(viii) vacation of municipal rights–of–way; and

(ix) except as provided in paragraph (3) of this subsection, all detailed site plans.

(3) The authority to delegate with regard to detailed site plans does not apply to detailed site plans:

(i) for a zone that requires detailed site plan approval by the district council;

(ii) that are required as a condition of approval of a zoning map amendment or a preliminary plan of subdivision;

(iii) for which the approval of a conceptual site plan or a preliminary plan of cluster subdivision is required; or

(iv) that are required for designated parcels as a specific condition of a sectional map amendment.

(d) (1) This subsection applies to a revitalization overlay zone created by the district council.

(2) For any portion of a revitalization overlay zone in a municipal corporation, the district council may delegate to the governing body of a municipal corporation the powers of the district council regarding:

(i) design standards;

(ii) parking and loading standards;

(iii) sign design standards;

(iv) lot size variances and setback and similar requirements; and

(v) landscaping requirements.

(3) The delegation of powers under paragraph (2) of this subsection may not impede a development that meets the requirements the district council sets for the revitalization overlay zone.

(4) For any portion of a revitalization overlay zone not within a municipal corporation, the district council may authorize the county planning board to approve:

(i) departures from parking and loading standards;

(ii) departures from design standards; and

(iii) any variance from the zoning laws.

§25–302.

(a) (1) Except as provided in subsection (b) of this section, any party of record to an action of the governing body of a municipal corporation exercised under § 25–301(c) of this subtitle shall have the same right to judicial review by the circuit court as the party would have if the district council had taken the action.

(2) Any party to an action of the governing body of a municipal corporation or the county planning board exercised under § 25–301(d) of this subtitle shall have the same right to judicial review by the circuit court as the party would have if the district council had taken the action.

(b) (1) With respect to an action taken under the general delegation authorized under § 25–301(c) of this subtitle, before exercising the right to judicial review under subsection (a)(1) of this section, a party of record shall appeal the action of the governing body of the municipal corporation to the district council for review on the record if the action concerns:

(i) certification, revocation, or revision of nonconforming uses; or

(ii) detailed site plans.

(2) On appeal, the district council may:

(i) approve the action of the municipal corporation by a majority vote of its members; or

(ii) approve the action of the municipal corporation with conditions or overrule the action by a vote of at least six members.

(3) (i) A person aggrieved by the action of the district council under this subsection may request judicial review of the action by the circuit court.

(ii) The municipal corporation whose action is affected by the action of the district council shall be considered an aggrieved person.

§25–303.

(a) This section applies to land in a municipal corporation that is in the regional district and is:

(1) zoned for residential or commercial use; or

(2) adjacent to residential or commercial zones.

(b) (1) Notwithstanding any other law, and for the purpose of preserving, improving, or protecting the general character and design of lands and improvements in a municipal corporation, the legislative body of the municipal corporation, by local law, may impose stricter or additional conditions, restrictions, or limitations than are otherwise required by State, regional, or county zoning laws or agencies exercising zoning and planning jurisdiction over the municipal corporation.

(2) The stricter or additional conditions, restrictions, or limitations may apply only to:

(i) fences;

(ii) residential parking; and

(iii) residential storage.

(c) Notwithstanding any other law, the legislative body of a municipal corporation, by local law, may authorize the erection of a fence that exceeds the height restrictions or limitations otherwise required by State, regional, or county zoning laws or agencies exercising zoning and planning jurisdiction over the municipal corporation.

(d) The legislative body of a municipal corporation may not enact a local law under this section without holding a public hearing on all issues.

(e) A municipal corporation that enacts a zoning law in accordance with this section shall deliver a certified copy of the local law to the district council within 5 days after the enactment and at least 30 days before the effective date of the local law.

(f) (1) If the district council does not approve the local law before the effective date of the local law, the local law shall be considered disapproved and may not take effect.

(2) The local law may not take effect unless approved by the district council.

§25–401.

The county, by local law, may provide for:

(1) the revitalization and redevelopment activities of the Commission in the county, including:

(i) the organization or management of any revitalization or redevelopment activities of the Commission; and

(ii) consolidation of Commission activities with the redevelopment authority of the county; and

(2) the management and marketing of enterprise operations by the Commission in the county, including consolidation of Commission activities with the revenue authority of the county.

§25–402.

A local law enacted under this subtitle may not impair or abrogate:

(1) any right, including merit system and pension system rights, or benefit of any employee of the Commission; or

(2) any pension obligation of the Commission for any Commission employee.

§25–403.

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

(2) "Business improvement district" means a business improvement district established under Title 12, Subtitle 4 of the Economic Development Article in the county.

(3) "Neglected property" means improved or unimproved real property that:

(i) is zoned for commercial, industrial, or nonresidential use by the district council; and

(ii) has been abandoned, blighted, or condemned.

(4) "Purple Line" has the meaning stated in § 2–103.8 of the Transportation Article.

(5) (i) "Transit–oriented development" has the meaning stated in § 7–101 of the Transportation Article.

(ii) "Transit–oriented development" includes light rail stops that are located on the Purple Line in Prince George's County.

(b) This section does not apply to State–owned property.

(c) The county may exercise the power of eminent domain on neglected property in an area that:

(1) has been designated as a transit–oriented development; and

(2) is located in a business improvement district.

(d) Neglected property obtained under this section is intended to be developed or redeveloped for an economic development purpose in the county.

(e) Land or property taken by the county through the exercise of eminent domain under this section:

(1) may only be taken for a public purpose, including for private development that is consistent with a public purpose; and

(2) may not be taken without just compensation, as agreed on between the parties, or awarded by a jury, being first paid or tendered to the party entitled to the compensation, in accordance with Title 12 of the Real Property Article.

§25–501.

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

(b) "Agreement" means a development rights and responsibilities agreement negotiated and executed by the County Executive or the County Executive's designee, with the approval of the district council, to establish conditions for advancing school capacity.

(c) "Developer" means a person with a legal or equitable interest in real property located in Prince George's County.

(d) (1) "Development" means any activity that materially affects the existing condition or use of any land or structure.

(2) "Development" does not include normal agricultural activity.

§25–502.

A developer or developer's representative may petition the County Executive to request that an agreement be executed.

§25–503.

(a) Except as provided under subsection (b) of this section, the County Executive may:

(1) negotiate agreements with a developer for real property located in the county;

(2) include a federal, State, or local government or unit as an additional party to the agreement; and

(3) execute an agreement.

(b) The County Executive may not enter into an agreement unless:

(1) the agreement is approved by the district council; and

(2) the county planning board determines that the proposed agreement is consistent with the Commission's general plan.

§25–504.

(a) The district council may:

(1) establish procedures and requirements for the consideration and execution of agreements, including provisions for negotiation and approval in accordance with this subtitle; and

(2) approve agreements negotiated by the County Executive.

(b) The district council shall require a public hearing before approving an agreement.

§25–505.

An agreement executed by the County Executive takes effect without any further action by the district council.

§25–506.

(a) An agreement shall include:

(1) a description of the real property subject to the agreement;

(2) the parties involved;

(3) the specific purposes of the agreement;

(4) the duration of the agreement;

(5) a physical description and location of the structures and supporting facilities and features on the real property;

(6) a description of all anticipated permits required or already approved for the development of the real property;

(7) provisions for the construction or financing of adequate public facilities for schools;

(8) a statement that the proposed development is consistent with:

(i) the Commission's general plan; and

(ii) all applicable development laws and regulations; and

(9) a description of the requirements determined by the county planning board to be necessary to ensure the public health, safety, and welfare.

(b) An agreement may:

(1) establish the terms by which and a period of time when development, or individual phases, shall begin and be completed; and

(2) provide for other matters in accordance with this division.

§25–507.

(a) Except as otherwise provided in the agreement or extended by amendment under § 25–509 of this subtitle, an agreement is void 15 years after execution by the parties.

(b) Any extension to an agreement is subject to approval by the district council.

§25–508.

The laws, rules, regulations, and policies in force at the time the parties execute an agreement shall govern the use, density, or intensity of development of the real property subject to the agreement unless the district council or State or federal government determines that compliance with laws, rules, regulations, and policies enacted after the parties executed the agreement is essential to ensure public health, safety, or welfare.

§25–509.

The parties to an agreement may amend the agreement by mutual consent if the district council:

(1) approves any substantive amendment; and

(2) determines that the proposed amendment to the agreement is consistent with the Commission's general plan.

§25–510.

(a) The parties to an agreement may terminate the agreement by mutual consent.

(b) If the County Executive determines that suspension or termination of an agreement is essential to ensure the public health, safety, or welfare, the County Executive may suspend or terminate the agreement.

§25–511.

(a) (1) An agreement shall be recorded in the land records of Prince George's County.

(2) If an agreement is not recorded as required under paragraph (1) of this subsection within 30 days after its execution by all parties, the agreement is void.

(b) When an agreement is recorded under subsection (a) of this section, the parties to the agreement and their successors in interest are bound to the agreement.

§25–512.

(a) Unless terminated under § 25–510 of this subtitle, an agreement may be enforced by the parties to the agreement or their successors in interest using all remedies available at law or in equity.

(b) No right to an administrative appeal arises from the negotiation or enforcement of an agreement.

§25–601.

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

(b) "Agricultural property" means property that is used for:

(1) agriculture, viticulture, aquaculture, silviculture, horticulture, or livestock and equine activities;

(2) temporary or seasonal outdoor activities that do not permanently alter the property's physical appearance and that do not diminish the property's rural character; or

(3) activities that are intrinsically related to the ongoing agricultural enterprise on the property.

(c) "District" means the Prince George's County Soil Conservation District.

(d) "Fund" means the Prince George's County Agricultural Preservation Easement Fund.

(e) "Preservation" means the limitation of the use of agricultural property to those uses consistent with, and not adversely affecting:

(1) the agricultural character of the property;

(2) the scenic values enjoyed by the public; or

(3) the governmental preservation policies furthered by the easement acquisition.

(f) "Program" means the Prince George's County Agricultural Preservation Easement Program.

§25–602.

(a) There is a Prince George's County Agricultural Preservation Easement Program.

(b) The purposes of the Program are to:

(1) implement the policies of the county's general plan and the Green Infrastructure Plan to preserve, protect, and enhance agricultural properties, particularly those in the Rural Tier;

(2) preserve ecologically fragile and aesthetically valuable environments of the county, including streams, stream valleys, floodplains, wetlands, groundwater, steep slopes, woodlands, habitats, scenic vistas, and scenic corridors;

(3) retain agricultural land and augment other local and State programs certified in accordance with the Code of Maryland Regulations for the preservation of agricultural land;

(4) recognize the public value in protecting agriculture and agricultural viewsheds, vistas, rural culture and character, and longstanding agricultural enterprises;

(5) limit nonagricultural uses;

(6) conserve and protect biodiversity and wildlife and aquatic habitats;

(7) promote interest in and the study of agriculture and agricultural preservation; and

(8) promote tourism through the preservation of scenic resources.

§25–603.

The District shall administer the Program in accordance with regulations that the county planning board and the District adopt under this subtitle.

§25–604.

(a) The County Council may enact local laws to provide for:

(1) agricultural preservation, outreach, and marketing;

(2) maintenance of activities on agricultural properties of the Commission; and

(3) the preservation of the agricultural industry.

(b) A local law enacted under subsection (a) of this section may not be inconsistent with this division.

§25–605.

(a) The county planning board and the District shall adopt regulations to carry out this subtitle.

(b) The regulations shall:

(1) establish an application process for the Program;

(2) establish criteria for assigning priorities to applications for easements to purchase;

(3) establish a process for negotiating the purchase of easements;

(4) allow the District to procure any appraisals necessary for valuation of each easement; and

(5) specify a method for appraising and valuing easements to encourage landowners to participate in the Program and maximize the acreage for easements to be purchased.

(c) The regulations may provide for the adjudication and appeal of any disputed easement valuation by the county Property Tax Assessment Appeal Board in accordance with § 2–511 of the Agriculture Article.

§25–606.

(a) There is a Prince George's County Agricultural Preservation Easement Fund.

(b) The county planning board shall administer the Fund.

(c) The Fund consists of revenues from county metropolitan district taxes or county regional district taxes.

(d) The purposes of the Fund are to:

(1) preserve, protect, and enhance agricultural properties; and

(2) implement the purposes of the Program.

(e) (1) The Fund shall be used to purchase easements to implement the Program.

(2) In deciding which easements to purchase using the Fund, the county planning board shall:

(i) exercise prudence and due diligence; and

(ii) consider the recommendations of the District.

§25–607.

(a) The county planning board may purchase an easement on agricultural property in the county that is outside the metropolitan district but is in the regional district.

(b) To further the purposes of the Program, the county planning board may expend any current money that is authorized under this division to be used to purchase easements in the county in the metropolitan district.

§25–608.

(a) When an agricultural preservation easement is purchased in accordance with this subtitle, the property owner shall convey a perpetual preservation easement to the county planning board at the time of settlement.

(b) The easement shall be recorded in the county land records.

§25–609.

Title 10, Subtitle 2 of the State Government Article does not apply to this subtitle.

§25–701.

The county shall cooperate or contract with the United States in any matter relating to any project for flood control or navigation in the valleys of the Anacostia River and its tributaries in the county.

§25–702.

(a) Before the county enters into any contract or agreement with the United States and before any plan relating to a flood control or navigation project or the maintenance or operation of a flood control or navigation project is approved, the county shall submit for consideration each contract, agreement, or plan affecting a State road or land in a park or parkway under the jurisdiction of the Commission to:

(1) the State Highway Administration; and

(2) the Commission.

(b) The county may not approve a plan or enter into a contract or an agreement that is inconsistent with:

(1) the purposes of the Capper–Cramton Act, Public Law 71–284, 46 Stat. 482; or

(2) any agreement between the Commission and the National Capital Planning Commission related to the park and parkway system authorized by that Act.

§25–703.

(a) Except for costs borne by the United States or the State Highway Administration, the county shall pay all costs of a flood control or navigation project from the Stormwater Management Fund.

(b) The county shall apply the Fund to the cost of:

(1) constructing and relocating all county roads and bridges related to the flood control or navigation project;

(2) constructing necessary internal drainage facilities;

(3) relocating utility structures; and

(4) acquiring land and buildings necessary for the flood control or navigation projects.

(c) The county may accept contributions from the United States, the District of Columbia, the State, Montgomery County, any municipal corporation or special taxing district, or any other person if the county determines that the contribution may assist in the construction of any project under this subtitle.

§25–704.

The Commission:

(1) may use the lands acquired for flood control or navigation projects for park purposes if the use does not interfere with the construction, maintenance, and operation of the projects; and

(2) shall control and operate recreational facilities within the projects.

§25–801.

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

(2) (i) "Nontraditional recreational opportunities" means sports, recreational activities, programs, or facilities in the county with a reasonable promise of growth in:

1. popularity; or

2. participation or demand among youth populations that are otherwise under–represented or underserved by traditional recreational activities.

(ii) "Nontraditional recreational opportunities" may include:

1. skate parks;

2. lacrosse walls;

3. remote–controlled car courses;

4. pickleball courts;

5. disc golf courses;

6. cricket fields;

7. pump tracks; and

8. any other new or innovative recreation or leisure activity recommendation included in a park and recreation plan.

(3) "Park and recreation plan" means:

(i) a functional master plan of parks and open spaces adopted under § 21–106(a)(3) of this article; or

(ii) a local land preservation and recreation plan approved under § 5–905(b) of the Natural Resources Article.

(b) The county planning board shall:

(1) provide an adequate and balanced program of recreation to serve the needs and interests of various age groups among the residents of the county that includes appropriate nontraditional recreational opportunities;

(2) offer a comprehensive youth sports program that provides a variety of sports programming, leagues, and teams throughout the county; and

(3) coordinate the programs with the Commission's park functions.

(c) The county planning board may develop programs of recreation that may include physical, social, mental, and creative opportunities that the county planning board considers appropriate to offer in:

(1) major recreation centers, playfields, athletic fields, playgrounds, tennis courts, baseball diamonds, swimming pools, golf courses, community centers, and social centers on publicly or privately owned land or buildings made available for these purposes or over which the county planning board has sole or joint jurisdiction; or

(2) land or buildings of a municipal corporation or political subdivision in the county, if the municipal corporation or political subdivision requests the services of the county planning board.

(d) (1) The county planning board may contract with recreation or sports groups or associations to incorporate the activities of the groups or associations into the programs established by the county planning board under this subtitle.

(2) Notwithstanding paragraph (1) of this subsection, as part of the programs established under this subtitle the county planning board shall create a youth sports division to:

(i) coordinate youth sports programming, leagues, and teams; and

(ii) incorporate youth sports activities into the programs.

(e) (1) There is a Nontraditional Recreation Fund.

(2) The Nontraditional Recreation Fund shall finance and account for the development and maintenance of nontraditional recreational opportunities in the county.

(3) The Commission shall record revenues from the development and maintenance of nontraditional recreational opportunities in the county in the Nontraditional Recreation Fund.

(4) The Commission shall use the revenues of the Nontraditional Recreation Fund:

(i) for capital improvement projects that contribute to providing nontraditional recreational opportunities;

(ii) to provide patrons of the Commission access to equipment necessary to participate in nontraditional recreational opportunities; and

(iii) for supplies and other direct program costs associated with providing nontraditional recreational opportunities in accordance with this section.

§25–802.

The county planning board, in the development and conduct of its recreation programs and in scheduling the use of publicly owned land or buildings for the conduct of the programs, shall cooperate with recognized and generally accepted agencies, groups, and organizations that may request to use the land or buildings.

§25–803.

The county planning board may accept grants and gifts from any source to carry out this subtitle.

§25–804.

The county planning board may adopt regulations to carry out this subtitle.

§25–805.

(a) Subject to confirmation by the County Council, the County Executive:

(1) shall appoint a standing advisory committee on recreation, which shall be representative of the residents of the county; and

(2) may appoint additional advisory committees on recreation as necessary.

(b) The county planning board may make recommendations regarding the functions and membership of the advisory committees.

§25–806.

(a) The county planning board shall prepare and submit to the County Council an annual budget, including a schedule of recreation activities and programs.

(b) The County Council's approval of the recreation schedule is concurrence in the recreation activities and programs proposed for any fiscal year.

(c) The County Council may:

(1) modify the recreation schedule; and

(2) direct the county planning board to initiate any recreation activity or program.

(d) The county planning board shall initiate any activity or program directed by the County Council with reasonable promptness to the extent funds are available for that purpose.

§25–807.

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

(2) "Enterprise Fund" means the Maryland–National Capital Park and Planning Commission Enterprise Fund.

(3) "Marina" means the Bladensburg Marina and Boat Basin established by Chapter 618 of the Acts of 1959, and all improvements, facilities, and appurtenances of the Bladensburg Marina and Boat Basin.

(b) The Commission shall administer, maintain, and operate the Marina.

(c) The Commission:

(1) shall adopt regulations for the use and enjoyment of the Marina to assure that the improvements and facilities are open to all residents on equal terms;

(2) shall set the fees for the use of the public and commercial navigation facilities; and

(3) may contract with the Washington Suburban Sanitary Commission for dredging activities relating to the maintenance and operation of the Marina.

(d) (1) There is a Maryland–National Capital Park and Planning Commission Enterprise Fund.

(2) The Enterprise Fund shall finance and account for the maintenance and operation of the Marina.

(3) The Commission shall record revenues from the maintenance and operation of the Marina in the Enterprise Fund.

(4) The Commission shall use the revenues of the Enterprise Fund:

(i) to offset expenditures relating to the Marina; or

(ii) for other enterprise funds of the Commission's park and recreational facilities located in the regional district in the county.

(e) (1) Each year the County Council shall impose on all property assessed for county tax purposes in the county an ad valorem tax at a rate that the Commission certifies as necessary to produce the amount required to pay the annual cost of the Marina, less the proceeds of the Enterprise Fund.

(2) The annual cost includes the cost of dredging operations relating to the maintenance and operation of the Marina.

(f) (1) Montgomery County is not liable for any cost, debt, expense, or obligation relating to the administration, operation, or maintenance of the Marina.

(2) Funds for the administration, operation, or maintenance of the Marina may not be obtained from:

(i) Montgomery County's portion of the budget; or

(ii) Montgomery County's portion of unbudgeted funds of the Commission.

§26–101.

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

(b) "Fund" means:

(1) in Montgomery County, the Montgomery County Historic Preservation Grant Fund; and

(2) in Prince George's County, the Prince George's County Historic Property Grant Fund.

(c) (1) "Historic property" means a district, site, building, structure, or object significant in the history, upland or underwater archaeology, architecture, engineering, or culture of the State.

(2) "Historic property" includes remains related to a district, site, building, structure, or object described in paragraph (1) of this subsection.

(d) "Preservation" means the identification, evaluation, recordation, documentation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of a historic property.

(e) "Program" means:

(1) in Montgomery County, the Montgomery County Historic Preservation Grant Program; and

(2) in Prince George's County, the Prince George's County Historic Property Grant Program.

§26–102.

(a) (1) There is a Montgomery County Historic Preservation Grant Program.

(2) There is a Prince George's County Historic Property Grant Program.

(b) The purposes of each Program are to:

(1) preserve, protect, and enhance historic properties;

(2) encourage others to preserve, protect, and enhance historic properties; and

(3) promote interest in and the study of historic properties.

§26–103.

Each Program is of general benefit to the residents of the State and is charitable in nature.

§26–104.

(a) The powers and duties of each Program are vested in and exercised by:

(1) in Montgomery County, the county planning board in consultation with the Montgomery County Historic Preservation Commission; and

(2) subject to subsection (b) of this section, in Prince George's County, the county planning board.

(b) (1) In Prince George's County, the county, by local law, may provide for the historic preservation, outreach and marketing, and maintenance of historic properties activities of the Commission.

(2) A local law enacted under paragraph (1) of this subsection shall be consistent with the provisions of this division.

§26–105.

(a) (1) There is a Montgomery County Historic Preservation Grant Fund.

(2) There is a Prince George's County Historic Property Grant Fund.

(b) Each county planning board administers its Fund.

(c) Each county planning board shall deposit in its Fund those amounts authorized in accordance with Title 18, Subtitle 1 of this article to:

(1) implement and encourage restoration and preservation of historic properties; and

(2) implement the purposes of its Program.

(d) (1) Each county planning board shall expend the amounts in its Fund to make grants to nonprofit organizations or foundations.

(2) In Montgomery County:

(i) grants may also be made for research, developing educational materials, and generally promoting historic preservation; and

(ii) in making grants, the county planning board, if practical to do so, shall obtain and implement the recommendations of the Montgomery County Historic Preservation Commission.

(3) In Prince George's County:

(i) grants may also be made to political subdivisions or individuals to acquire, preserve, restore, or rehabilitate historic properties; and

(ii) in making grants, the county planning board shall solicit and consider the recommendations of the Prince George's County Historic Preservation Commission.

(e) When a county planning board awards a grant, the grant recipient shall convey a perpetual preservation easement to the county planning board.

(f) (1) Decisions by a county planning board concerning grants shall be made without regard to the financial status or annual income of the applicant.

(2) Notwithstanding paragraph (1) of this subsection, a county planning board may require matching funds in whatever proportion the county planning board considers appropriate.

§26–106.

Each county planning board shall adopt regulations to carry out this subtitle.

§26–107.

Title 10, Subtitle 2 of the State Government Article does not apply to this subtitle.

§27–101.

(a) A charge alleging a violation of this division may be brought by warrant or indictment on the oath or information of a member or employee of the Commission or any other person.

(b) Except as otherwise provided, a misdemeanor under this division may be adjudicated before the District Court or the circuit court of the county in which the violation is committed.

(c) (1) Except as otherwise provided in this division, a person who violates this division is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

(2) Each day that a violation of this division continues is a separate violation.

§27–102.

(a) An owner or tenant of a building or private premises or an agent of the owner or tenant may not restrain or hinder the entry, examination, survey, or placing

or maintenance of monuments or marks by a commissioner or an employee or agent of the Commission under § 15–118 of this article.

(b) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 90 days or a fine not exceeding $500 or both.

(c) Each day a violation continues is a separate violation.