

SENATE BILL 993

L2

4lr2825
CF HB 1205

By: **Senators Brinkley and Young**

Introduced and read first time: February 10, 2014

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, February 19, 2014

Committee Report: Favorable

Senate action: Adopted

Read second time: March 9, 2014

CHAPTER _____

1 AN ACT concerning

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

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

11 BY repealing and reenacting, with amendments,
12 Article – Corporations and Associations
13 Section 2–102(b)(3)
14 Annotated Code of Maryland
15 (2007 Replacement Volume and 2013 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Courts and Judicial Proceedings
18 Section 2–309(l)(1), (5)(ii)2., (iv)2., and (v)4.B., and (6)(ii)2., (iv)2., and (v)4.B.,
19 and 2–507(a)(11)
20 Annotated Code of Maryland
21 (2013 Replacement Volume and 2013 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



- 1 BY repealing and reenacting, with amendments,
2 Article – Criminal Law
3 Section 9–609(a)(2), 13–1301, 13–1305(d), and 13–1306(a), (d), and (f)
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2013 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article – Education
8 Section 3–5B–01(d)
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2013 Supplement)
- 11 BY repealing and reenacting, with amendments,
12 Article – Election Law
13 Section 13–504
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2013 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article – General Provisions
18 Section 5–857 through 5–862
19 Annotated Code of Maryland
20 (As enacted by Chapter _____ (H.B. 270) of the Acts of the General Assembly of
21 2014)
- 22 BY repealing and reenacting, with amendments,
23 Article – Health – General
24 Section 21–304(e)(1)
25 Annotated Code of Maryland
26 (2009 Replacement Volume and 2013 Supplement)
- 27 BY repealing and reenacting, with amendments,
28 Article – Land Use
29 Section 9–1002
30 Annotated Code of Maryland
31 (2012 Replacement Volume and 2013 Supplement)
- 32 BY repealing and reenacting, with amendments,
33 Article – Local Government
34 Section 1–1007(a)(1) and (c), 1–1014, 12–208(c), 12–301(e), 12–408, 12–522,
35 12–806(c)(1), 13–121, 13–304, 13–306 through 13–308, 13–922, 19–105,
36 20–419, and 20–703
37 Annotated Code of Maryland
38 (2013 Volume)
- 39 BY repealing
40 Article – Local Government

1 Section 12–301(d)
 2 Annotated Code of Maryland
 3 (2013 Volume)

4 BY repealing and reenacting, with amendments,
 5 Article – Natural Resources
 6 Section 3–903(a)(6)
 7 Annotated Code of Maryland
 8 (2012 Replacement Volume and 2013 Supplement)

9 BY repealing and reenacting, with amendments,
 10 Article – Public Safety
 11 Section 7–211
 12 Annotated Code of Maryland
 13 (2011 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, with amendments,
 15 Article – Tax – Property
 16 Section 9–312(d) and 14–820(b)(10)
 17 Annotated Code of Maryland
 18 (2012 Replacement Volume and 2013 Supplement)

19 BY repealing and reenacting, with amendments,
 20 Article – Transportation
 21 Section 21–313(b)
 22 Annotated Code of Maryland
 23 (2012 Replacement Volume and 2013 Supplement)

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

26 **Article – Corporations and Associations**

27 2–102.

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

37 **Article – Courts and Judicial Proceedings**

1 2–309.

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

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

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

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

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

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

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

32 2–507.

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

35

1 9–609.

2 (a) This section does not apply:

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

7 13–1301.

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

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

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

12 (1) A bazaar;

13 (2) A carnival;

14 (3) A raffle;

15 (4) A tip jar; and

16 (5) A punchboard.

17 13–1305.

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

19 (1) has an office in the State;

20 (2) is licensed by the county agency that issues gaming event permits;

21 and

22 (3) keeps the records that [the county commissioners require]

23 **FREDERICK COUNTY REQUIRES.**

24 13–1306.

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

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

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

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

7 **Article – Education**

8 3–5B–01.

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

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

15 **Article – Election Law**

16 13–504.

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

22 **Article – General Provisions**

23 5–857.

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

25 (b) “Aggrieved party” means:

26 (1) a property owner whose property:

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

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

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

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

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

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

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

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

14 (3) “Applicant” does not include:

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

18 (ii) a municipal corporation or public corporation;

19 (iii) a public authority;

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

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

26 (d) “Application” means:

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

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

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

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

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

8 (e) [“Board” means the Board of County Commissioners for Frederick
9 County.

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

12 (g) “Business entity” means:

13 (1) a corporation;

14 (2) a limited liability company;

15 (3) a partnership; or

16 (4) a sole proprietorship.

17 [(h)] **(F)** “Candidate” means a candidate for [the Board] **COUNTY**
18 **EXECUTIVE OR COUNTY COUNCIL** who becomes [a member of the Board] **AN**
19 **ELECTED OFFICIAL.**

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

23 **(H)** “**GOVERNING BODY**” **MEANS THE GOVERNING BODY OF FREDERICK**
24 **COUNTY.**

25 [(j)] **(I)** “Partnership” includes:

26 (1) a general partnership;

27 (2) a joint venture;

28 (3) a limited liability limited partnership;

29 (4) a limited liability partnership; or

1 (5) a limited partnership.

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

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

8 (1) 2 years after the acceptance of the application; or

9 (2) the expiration of 30 days after:

10 (i) the [Board] GOVERNING BODY has taken final action on
11 the application; or

12 (ii) the application is withdrawn.

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

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

18 5–858.

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

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

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

28 5–859.

29 (a) This section does not apply to a communication between a [Board]
30 member OF THE GOVERNING BODY and an employee of the Frederick County

1 government whose duties involve giving aid or advice to a [Board] member **OF THE**
2 **GOVERNING BODY** concerning a pending application.

3 (b) A [Board] member **OF THE GOVERNING BODY** who communicates ex
4 parte with an individual concerning a pending application during the pendency of the
5 application shall file with the [County Manager] **CHIEF ADMINISTRATIVE OFFICER**
6 a separate disclosure for each communication within the later of 7 days after the
7 communication was made or received.

8 5–860.

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

12 (1) a contribution by an applicant covered under § 5–858 of this
13 subtitle; or

14 (2) an ex parte communication covered under § 5–859 of this subtitle.

15 5–861.

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

20 (1) receive filings;

21 (2) maintain records;

22 (3) report violations; and

23 (4) perform other ministerial duties necessary to administer this part.

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

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

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

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

4 5–862.

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

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

10 (b) (1) A person that knowingly and willfully violates this part is guilty of
11 a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months
12 or a fine not exceeding \$1,000 or both.

13 (2) If the person is a business entity and not an individual, each
14 member, officer, or partner of the business entity who knowingly authorized or
15 participated in the violation is guilty of a misdemeanor and on conviction is subject to
16 imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.

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

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

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

25 **Article – Health – General**

26 21–304.

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

31 **Article – Land Use**

32 9–1002.

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

5 **Article – Local Government**

6 1–1007.

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

9 (ii) The county commissioners [or], **THE** county council of the
10 county, **OR, SUBJECT TO THE CONFIRMATION OF THE FREDERICK COUNTY**
11 **COUNCIL, THE COUNTY EXECUTIVE OF FREDERICK COUNTY** shall appoint the
12 initial members of the board for the following terms:

- 13 1. three members for 3 years;
14 2. three members for 2 years; and
15 3. three members for 1 year.

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

20 (c) [The County Commissioners] **SUBJECT TO THE CONFIRMATION OF**
21 **THE FREDERICK COUNTY COUNCIL, THE CHIEF EXECUTIVE** of Frederick County
22 shall appoint a successor member for:

- 23 (1) a term of 3 years if a term expires; or
24 (2) the rest of the term if a term is vacated.

25 1–1014.

26 In addition to the authority provided in this part, the [County Commissioners]
27 **GOVERNING BODY** of Frederick County may establish, maintain, and operate a
28 nursing home or other facility or service for the care and treatment of aged,
29 convalescent, and chronically ill individuals in Frederick County.

30 12–208.

1 (c) (1) In addition to any benefit paid in accordance with subsection (a) of
2 this section, the [County Commissioners] **GOVERNING BODY** of Frederick County
3 may pay an additional \$8 per month to any retiree described in subsection (a)(1) of
4 this section.

5 (2) The [County Commissioners] **GOVERNING BODY** shall impose a
6 tax in an amount sufficient to pay for the additional benefit described in paragraph (1)
7 of this subsection.

8 12-301.

9 [(d) (1) (i) In Frederick County, subsection (c) of this section applies
10 only to a contract for services or the purchase of supplies if the contract exceeds
11 \$30,000.

12 (ii) In Frederick County, subsection (c) of this section does not
13 apply to a contract solely for architectural, engineering, or consulting services.

14 (2) The County Commissioners of Frederick County may award a
15 contract for architectural, engineering, or consulting services with a value that exceeds
16 \$30,000:

17 (i) on a competitive basis that consists of competitive sealed
18 bids or competitive negotiation that includes the submission of written technical and
19 price proposals from two or more offerors and a written evaluation of the proposals in
20 accordance with evaluation criteria; or

21 (ii) based on an evaluation of the technical proposals and
22 qualifications of at least two persons, with the contract set at a rate of compensation
23 that is fair, competitive, and reasonable.]

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

26 12-408.

27 (a) (1) [The County Commissioners of] Frederick County may:

28 (i) purchase or lease personal property under a multiyear
29 contract that requires the county [commissioners] to make installment or rental
30 payments during 2 or more fiscal years;

31 (ii) pay interest as part of any installment or rental payments in
32 accordance with the terms of the contract; and

1 (iii) pledge and assign the personal property purchased or leased
2 to secure the obligation.

3 (2) (i) The county [commissioners] may enter into a contract under
4 paragraph (1) of this subsection only if:

5 1. the county [commissioners have] **HAS** appropriated
6 money sufficient to pay the amount due under the contract during the first fiscal year
7 in which the contract is effective;

8 2. subject to subparagraph (ii) of this paragraph, the
9 contract authorizes the county [commissioners] to terminate the contract if money
10 sufficient to pay the amount due under the contract for any fiscal year is not
11 appropriated;

12 3. the contract provides that, except if the county
13 [commissioners default] **DEFAULTS** in payment under the contract, an obligation for
14 payment under the contract is limited to money appropriated for contract payment for
15 that fiscal year; and

16 4. the contract provides that, if the county
17 [commissioners default] **DEFAULTS** in payment under the contract, the obligation for
18 payment is limited to:

19 A. money appropriated for contract payments for that
20 fiscal year;

21 B. any money realized from the personal property
22 purchased or leased under the contract; and

23 C. any other money legally available for contract
24 payment.

25 (ii) The contract may provide that a contract termination is
26 ineffective if the county [commissioners purchase or lease] **PURCHASES OR LEASES**
27 personal property similar or functionally related to the property purchased or leased
28 under the contract within a specified period of time.

29 (b) [The County Commissioners of] Frederick County may sell to a
30 government unit located in the county or to the Frederick Memorial Hospital, Inc.,
31 surplus school board real property:

32 (1) without advertising the property for sale; and

33 (2) after obtaining three independent appraisals.

1 (c) [The County Commissioners of] Frederick County may sell surplus
2 county real property at a public or private sale if, subject to county procedures, the
3 [county commissioners hold] **GOVERNING BODY OF FREDERICK COUNTY HOLDS** a
4 hearing on the sale and [provide] **PROVIDES** adequate notice of the hearing.

5 (d) (1) [The County Commissioners of] Frederick County may:

6 (i) accept a donation of real property that is not needed for a
7 public purpose; and

8 (ii) sell the property by public or private sale for consideration
9 that the county [commissioners determine] **DETERMINES** to be adequate.

10 (2) The county [commissioners] shall use all proceeds from the sale of
11 real property under this subsection in accordance with the county budget or a
12 resolution adopted by the [county commissioners] **GOVERNING BODY**.

13 (3) A sales agreement entered into under this subsection is not
14 effective until:

15 (i) a copy of the agreement is filed with the clerk of the court;
16 and

17 (ii) a summary of the agreement is published in at least one
18 newspaper of general circulation in the county.

19 (e) [The County Commissioners of]Frederick County may sell an abandoned
20 right-of-way in the county by public or private sale, after advertising the property for
21 sale for at least 20 days.

22 12-522.

23 If any road in Frederick County has not been maintained [by the County
24 Commissioners of Frederick County] for a period of 20 years before July 1, 1973, it
25 shall be conclusively presumed that the road was closed in accordance with this
26 subtitle.

27 12-806.

28 (c) (1) The [county commissioners] **GOVERNING BODY OF A COUNTY**
29 may adopt regulations to:

30 (i) register alarm system contractors operating in the county;

31 (ii) register alarm users in the county;

1 (iii) provide penalties for failure to register as an alarm system
2 contractor or alarm user;

3 (iv) provide civil citations and penalties for false alarms,
4 notwithstanding Title 9, Subtitle 6, Part II of the Criminal Law Article;

5 (v) provide exemptions from the issuance of civil citations and
6 penalties for false alarms;

7 (vi) authorize the designated county enforcement agency to
8 maintain a record of the alarm system contractor, monitoring service, and
9 manufacturer of each security system in operation in the county; and

10 (vii) authorize the designated county enforcement agency, if it
11 finds a pattern of false alarms attributed to a particular manufacturer's model or to
12 installation by a particular alarm system contractor, to inform:

13 1. the manufacturer of the model or the alarm system
14 contractor that installed the alarm system; and

15 2. the appropriate State or national licensing agency or
16 the certification standards entity.

17 13–121.

18 (a) (1) The [County Commissioners] **GOVERNING BODY** of Frederick
19 County, by ordinance, may provide for a comprehensive system for the regulation of
20 domestic animals and wild animals kept in captivity.

21 (2) The ordinance may provide for:

22 (i) the licensing and control of domestic animals and wild
23 animals kept in captivity;

24 (ii) seizing and disposing of unlicensed or dangerous dogs;

25 (iii) the regulation of persons who own or keep any vicious
26 animal or an animal that disturbs the peace of a neighborhood; and

27 (iv) reasonable penalties for a violation of an ordinance not
28 exceeding imprisonment for 30 days or a fine of \$500 or both.

29 (3) The [county commissioners] **GOVERNING BODY**:

30 (i) may regulate animals that are hybrids of domestic and wild
31 animals; but

1 (ii) may not regulate or control wild animals that are not owned
2 or kept by individuals.

3 (b) (1) The [County Commissioners] **GOVERNING BODY** of Frederick
4 County may [pass rules, regulations, or resolutions to] provide for:

5 (i) issuing dog licenses;

6 (ii) keeping records of all sales of licenses;

7 (iii) designating persons authorized to sell licenses; and

8 (iv) seizing and disposing of any dogs found running at large in
9 the county.

10 (2) Before the [county commissioners pass a rule, regulation, or
11 resolution] **GOVERNING BODY PASSES AN ORDINANCE** in accordance with this
12 subsection, the proposed [rule, regulation, or resolution] ordinance shall be advertised
13 in a newspaper of general circulation in the county once each week for 4 successive
14 weeks, to provide any person an opportunity to be heard.

15 (3) The [rules, regulations, or resolutions] ordinance shall include
16 standards and operate uniformly.

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

20 (5) (i) The [county commissioners] **GOVERNING BODY** shall
21 reserve the right to cancel a written contract executed in accordance with paragraph
22 (4) of this subsection.

23 (ii) A cancellation under this paragraph:

24 1. may be without notice or recourse, if the cancellation
25 is for cause; or

26 2. requires notice at least 30 days before cancellation, if
27 the cancellation is without cause.

28 (c) The powers granted to the [County Commissioners] **GOVERNING BODY**
29 of Frederick County to regulate dogs are also granted for the regulation of cats.

30 (d) (1) In Frederick County, on or before July 1 of each year, a person
31 owning or keeping a dog shall apply to the county tax collector for a license for the dog
32 if the dog is at least 6 months old.

1 (2) At the time of application, the applicant shall pay the fee for a dog
2 or kennel license set by the [County Commissioners of Frederick County] COUNTY.

3 (3) Except as provided in § 13–108 of this subtitle, the licenses and
4 fees required under this section are the only licenses and fees required for owning or
5 keeping a dog.

6 (4) The county [commissioners] shall prepare and supply the form for
7 a license issued under this subsection.

8 (5) A dog license shall contain the date of issuance, a serial number,
9 and a description of the dog licensed.

10 (6) A license expires on July 1 of the year after issuance.

11 (e) (1) In Frederick County, the county tax collector shall issue a tag with
12 each dog license to a person owning or keeping a dog when the person pays the license
13 fee for the dog.

14 (2) The [County Commissioners of Frederick County] COUNTY shall
15 prepare and supply tags to the county tax collector each year.

16 (3) The tags shall be:

17 (i) composed of metal;

18 (ii) imprinted with a serial number corresponding to the
19 number on the license issued to the owner under subsection (d) of this section;

20 (iii) imprinted with the calendar year for which the tag is issued;

21 (iv) 1 inch or less in length; and

22 (v) equipped with a substantial metal fastener.

23 (4) The county [commissioners] shall change the general shape of the
24 tags each year.

25 (5) Tags supplied to owners of kennels shall contain the word
26 “kennel”.

27 (6) The person owning or keeping a dog shall attach the tag to a
28 substantial collar and keep the collar and tag on the dog for which the license was
29 issued at all times, except when the dog is:

30 (i) confined in a kennel; or

1 (ii) hunting under the charge of an attendant.

2 (7) The county tax collector shall replace a lost tag on:

3 (i) application by the person to whom the original license was
4 issued;

5 (ii) the production of the license; and

6 (iii) payment of a fee of 25 cents.

7 (f) (1) [The County Commissioners of] Frederick County may contract
8 with an animal welfare society, a humane society, or any other qualified person to:

9 (i) establish an animal shelter; and

10 (ii) seize, dispose of, and euthanize stray, injured, or sick dogs.

11 (2) Notwithstanding § 13–105(d) of this subtitle, the county
12 [commissioners] may use proceeds from dog license fees to:

13 (i) establish an animal shelter; and

14 (ii) collect and euthanize stray, injured, or sick dogs.

15 (g) (1) In Frederick County, the owner or custodian of a female dog that is
16 in heat:

17 (i) may not knowingly allow the dog to run at large; and

18 (ii) shall confine the dog.

19 (2) A person who violates this subsection is guilty of a misdemeanor
20 and on conviction is subject to a fine not exceeding \$25.

21 13–304.

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

24 13–306.

25 At least 30 days before the date of intended sale in a county, a transient vendor
26 shall submit to the [county commissioners] **GOVERNING BODY** of the county a
27 verified, written application that contains:

1 (1) the name and address of the applicant and the owner of the goods
2 to be sold or exhibited for sale;

3 (2) the name and address of the employer of the applicant or persons
4 with whom the applicant is associated and the length of the employment or
5 association;

6 (3) a description of the nature and place of the applicant's employment
7 during the preceding 12 months;

8 (4) (i) an estimate of the length of time that and exact location
9 where the applicant will pursue the activities regulated under this part; and

10 (ii) if a fixed site is occupied, the address of the property owner
11 of the site;

12 (5) the names and addresses of at least three individuals who:

13 (i) have known the applicant for at least 1 year; and

14 (ii) will verify the facts contained in the application;

15 (6) the applicant's Maryland sales and use tax number;

16 (7) (i) the address of any permanent place of business of the
17 applicant in the State; or

18 (ii) a copy of the certificate from the State Department of
19 Assessments and Taxation stating that the applicant has qualified to do business in
20 the State and the name and address of the applicant's agent;

21 (8) proof that the applicant:

22 (i) is qualified to do business in the State and the county; and

23 (ii) has obtained all necessary permits and licenses from the
24 State and the county for the operation of the business;

25 (9) a description of the nature of the business and the goods intended
26 for sale or the catalog from which goods can be ordered;

27 (10) a description and motor vehicle registration plate number of any
28 vehicle used in connection with the applicant's activities;

29 (11) a statement as to whether the applicant has ever been convicted of
30 a felony or a misdemeanor and, if so, a statement as to:

- 1 (i) the nature of the offense;
- 2 (ii) when and where the applicant was convicted; and
- 3 (iii) the penalty imposed;

4 (12) a description of the place where the goods are manufactured, the
5 location of the goods at the time of the filing of the application, and the proposed
6 method of delivery of the goods; and

7 (13) any additional information that the [county commissioners
8 require] **GOVERNING BODY REQUIRES.**

9 13-307.

10 (a) (1) An applicant for a transient vendor license shall execute and file a
11 bond with the [county commissioners] **GOVERNING BODY** of the county in the amount
12 of \$10,000.

13 (2) The bond shall be issued by a surety:

14 (i) authorized to do business in the State; and

15 (ii) approved by the [county commissioners] **GOVERNING**
16 **BODY.**

17 (b) (1) The bond shall be payable to the extent of any taxes, fees, or fines.

18 (2) The surety shall indemnify a purchaser who suffers a loss because
19 of defective goods or misrepresentation.

20 (c) (1) The bond shall provide that the [county commissioners]
21 **GOVERNING BODY** of a county may file suit against the licensee or the surety for
22 taxes, fees, or fines due from the licensee that are not paid within 30 days after the
23 termination of:

24 (i) a sale authorized under this part; or

25 (ii) the transient vendor license.

26 (2) The bond shall provide that a purchaser at a sale may maintain an
27 action for claims arising from the sale against a licensee or the surety.

28 (d) The bond shall continue in effect for at least 1 year after the termination
29 of the transient vendor license expires and until:

1 (1) all actions are concluded and judgments have been satisfied; or

2 (2) the amount of the bond has been exhausted by payments on
3 judgments.

4 (e) The bond shall be in addition to any deposit, license fee, permit fee, or
5 other requirement under county law.

6 13-308.

7 (a) (1) The [county commissioners] **GOVERNING BODY** of a county shall
8 verify the statements made by the applicant in the application for the transient vendor
9 license.

10 (2) (i) If the application contains a false statement, the [county
11 commissioners] **GOVERNING BODY** may deny the license.

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

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

16 (i) the [county commissioners approve] **GOVERNING BODY**
17 **APPROVES** the application and surety bond; and

18 (ii) the license fee is paid.

19 (2) The license shall:

20 (i) be effective for the duration and term applied for in the
21 application not to exceed a period of 1 year; and

22 (ii) terminate automatically.

23 13-922.

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

27 19-105.

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

1 20-419.

2 (a) Frederick County shall distribute the hotel rental tax revenue as follows:

3 (1) a reasonable sum for hotel rental tax administrative costs to the
4 general fund of the county; and

5 (2) the remaining balance to the Tourism Council of Frederick County,
6 Inc., with a portion of the balance designated by the [county commissioners]
7 **GOVERNING BODY OF FREDERICK COUNTY** to be used for a visitor center.

8 (b) The internal auditor of Frederick County shall conduct an audit of the
9 financial records of the Tourism Council and report the findings to the [county
10 commissioners] **GOVERNING BODY OF FREDERICK COUNTY**.

11 20-703.

12 (a) Subject to subsection (b) of this section, by ordinance [or resolution], the
13 [County Commissioners] **GOVERNING BODY** of Frederick County may impose
14 development impact fees to finance any of the capital costs of additional or expanded
15 public works, improvements, and facilities required to accommodate new construction
16 or development.

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

20 **Article – Natural Resources**

21 3-903.

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

28 **Article – Public Safety**

29 7-211.

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

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

5 **Article – Tax – Property**

6 9–312.

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

11 (1) leased to the **GOVERNING BODY OF** Frederick County [Board of
12 County Commissioners] or to the Frederick County Board of Education; and

13 (2) used exclusively for public school educational purposes.

14 14–820.

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

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

18 **Article – Transportation**

19 21–313.

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

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