

it touches every subject with which the County government is involved. Mr. Scull said that the subject bill, along with the civil fine bill of last year and the code revision efforts of future years, is part of an effort to standardize, streamline, and modernize the Code to make it more useful to the public. He expressed appreciation to the staff for its work, noting that their work will be appreciated even more when regulations begin to appear in readable form and can be located easily.

Councilman Potter said that the subject legislation has been needed for some time. He hopes the process will remain clear, the files of executive regulations will remain accessible and executive regulations will become easier to understand. Mr. Potter said that, because of the length of the subject bill, some amendments which should have been made may have been overlooked; if this is the case, the Council can further amend the subject bill later.

Vice President Gudis said that Ms. Orlansky, Mr. Scull's assistant, had provided him with answers to the questions he raised at the Council's worksession on the bill. Mr. Gudis said that he had discussed traffic controls and policy concerns with Mr. Cichy and representatives of a citizens association last week and that Mr. Cichy has agreed to keep the Council informed concerning traffic control policy decisions.

Upon motion of Councilman Scull, duly seconded and without objection, the Council approved the following amendments to the bill:

(underlining indicates additions to current law, brackets indicate deletions from current law; capital letters indicate additions to the bill as introduced; and strike-throughs indicate deletions from the bill as introduced):

0001 Sec. 1. Chapter 2A, title "Administrative Procedures Act" of the
0002 Montgomery County Code (1972, as amended) be and hereby is amended to read as
0003 follows:

0004 Chapter 2A

0005 Administrative Procedures Act

0006 Article 1. Appeals from Administrative Agencies

0007 2A-1.

0008 * * *

0009 2A-2. Applicability

0010 * * *

0011 (c) Appeals, grievances and complaints filed pursuant to chapter 33,
0012 as amended, for which hearings are provided or required by that chapter before
0013 the Montgomery County [personnel] merit system protection board.

0014 * * *

0015 (f) Such other hearings as hereinafter provided for by law or
0016 executive regulation which are specifically designated as being governed
0017 hereby. In this regard, the county executive is hereby authorized to add or
0018 delete additional quasi-judicial authorities from time to time by executive
0019 regulation adopted [pursuant to [chapter 2-105] UNDER METHOD (2) OF
0020 Section 2A-15 of this ~~code~~ CODE.

0021 2A-3. Conflicts of laws; interpretations.

0022 (a) Where any provision of this [chapter] Article conflicts with a
0023 substantive provision of an act pertaining to a particular agency, the latter
0024 shall prevail.

0025 (b) The provisions of this [chapter] Article are not intended to
0026 confer different or additional powers or jurisdiction on hearing authorities
0027 governed hereby; in this regard, this [chapter] Article shall be construed to
0028 be procedural rather than substantive.

0029 (c) The provisions set forth herein shall prevail over any agency
0030 rule of procedure and in the event of conflict, the latter shall be amended to
0031 conform with this [chapter] Article; provided, however, that nothing herein
0032 shall be construed to limit or restrict a hearing authority from adopting
0033 additional rules of procedure as will implement this [chapter] Article and
0034 the substantive provisions under which it operates so long as they are not in
0035 conflict with this [chapter] Article.

0001 (d) No action taken hereunder shall be declared invalid on the basis of
 0002 procedural irregularities absent a finding of a denial of substantive due
 0003 process. Substantial compliance with this [chapter] Article shall be
 0004 sufficient.

0005 2A-4. Definitions.

0006 The following words and phrases shall have the meaning assigned to them
 0007 below, except when otherwise indicated in this [chapter] Article.

0008 Hearing authority. The Montgomery County commission on human relations,
 0009 or designated panel thereof; the Montgomery County [personnel] merit system
 0010 protection board; the County board of appeals for Montgomery County; the
 0011 Montgomery County landlord-tenant commission, the director of the Montgomery
 0012 County office of consumer affairs; or a hearing examiner or official so
 0013 designated or appointed to conduct those hearings which are enumerated in
 0014 section 2A-2.

0015 * * *

0016 2A-5. Initiation of hearing process.

0017 Any proceeding governed by this [chapter] Article as specified in section
 0018 2A-2 shall be initiated by filing a charging document in writing with the
 0019 office of the hearing authority on forms provided therefor. Such forms shall
 0020 include or be accompanied by a written statement which may include: a
 0021 description of the nature and specifics of the allegation together with
 0022 reference to sections of applicable laws, ordinances or regulations, if known,
 0023 which are alleged to have been violated or relied upon. The statement shall
 0024 contain the nature of the relief requested and if applicable the names and
 0025 addresses of the person, persons, business entity or organization or agency
 0026 alleged to have committed any violation or undertaken any action which is the
 0027 subject of the proceedings governed by this [chapter] Article. The statement
 0028 may be accompanied by supporting documentation.

0029 * * *

0030 2A-8. Hearings.

0031 * * *

0032 (h) Powers of the hearing authority. In addition to any other power
 0033 granted by this [chapter] Article, a hearing authority is empowered:

0034 * * *

0035 (10) To take any other action authorized by this [chapter]

0001 Article or necessary to a fair disposition of the case.

0002 * * *

0003 (i) Hearing conduct and procedure.

0004 (1) Unless otherwise provided by law:

0005 * * *

0006 c. [Disqualification of any] The members of any
0007 hearing authority shall be subject to disqualification for conflict of
0008 interest, [for conflict of interest shall be governed by the Montgomery County
0009 Code of Ethics, chapter 2-129] and suggestions for disqualification of any
0010 member may be made on petition of any party.

0011 * * *

0012 (j) Sanctions. The hearing authority may impose sanctions against
0013 parties and witnesses for failure to abide by the provisions of this [chapter]
0014 Article, or for unexcused delays or obstructions to the pre-hearing and
0015 hearing process. Such sanctions may include suspension or continuance of
0016 scheduled hearings, dismissals of actions, denial of admission of documents
0017 and exhibits and admission of matters as adverse to a defaulting party.

0018 * * *

0019 2A-9. Emergency hearings.

0020 Where the ordinary processing of any appeal may, due to time constraints,
0021 cause injury to any party, the hearing authority may for good cause grant an
0022 emergency hearing on its own motion or upon good cause shown by any party
0023 thereto. Where an emergency hearing is ordered by a hearing authority, it may
0024 suspend or alter any provisions of this [chapter] Article necessary to avert
0025 such undue injury; provided, however, that in such cases, the hearing
0026 authority shall notify all parties of the operation of this section, and make
0027 every reasonable effort to provide substantive due process of law to all
0028 parties. All hearings involving the removal or suspension of a county
0029 merit-system employee shall be governed by this section.

0030 2A-10. Decisions.

0031 * * *

0032 (c) Voting requirements. Any decision rendered in conformance with
0033 the provisions of this [chapter] Article must have the concurrence of a
0034 majority of the voting members of the decision making authority unless a
0035 greater number of votes are required by law. Members of the hearing authority

0001 absent during a hearing may vote upon a matter upon written certification that
0002 they have read the transcripts and reviewed the evidence of record.

0003 Failure to achieve the necessary affirmative votes shall act as a denial
0004 of the relief requested by the charging party by operation of law. No written
0005 opinion in this instance shall be required; provided, however, individual
0006 members of the hearing authority may file written reasons supporting their
0007 respective positions.

0008 * * *

0009 2A-11. Judicial review.

0010 Any party aggrieved by a final decision in a case governed by this
0011 [chapter] Article, whether such decision is affirmative or negative in form
0012 may appeal said decision to the circuit court for Montgomery County, Maryland,
0013 in accord with the provisions of the Maryland Rules of Procedure governing
0014 administrative appeals. Said court shall have the power to affirm, reverse or
0015 modify the decision or remand the case for further proceedings as justice may
0016 require. The filing of such appeal shall not stay the order of the hearing
0017 authority. Any party to the proceeding in the circuit court may appeal from
0018 such decision to the appellate courts of Maryland pursuant to applicable
0019 provisions of the Maryland Rules of Procedure

0020 Article II. Regulations

0021 2A-12. Declaration of Policy and Legislative Intent.

0022 (A) PURPOSE. It is the purpose of this article to prescribe a single and
0023 consistent procedure for the adoption, periodic review and repeal of
0024 regulations, and to provide a uniform procedure for their public notification
0025 and compilation. ~~The provisions of this article shall be applicable to all~~
0026 regulations, unless otherwise indicated.

0027 (B) SCOPE. UNLESS OTHERWISE PROVIDED, THE PROVISIONS OF THIS ARTICLE
0028 APPLY TO ALL REGULATIONS.

0029

0030 2A-13. Definitions.

0031 The following words shall have the following meanings in this article
0032 unless otherwise clearly indicated by the context.

0033 (A) IN GENERAL. UNLESS OTHERWISE CLEARLY INDICATED BY THE CONTEXT, IN
0034 THIS ARTICLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

0035 (B) ADMINISTRATIVE PROCEDURE. "Administrative Procedure" means any

0001 written directive,/ próily/ót/ptócéduíte/whíly/tégylátés/áttírtés/ót/whóte
0002 fhán/óné/départmáné/ót/ágéné/ót/tyé/óóhny/óótyémáné CONCERNING THE
0003 INTERNAL MANAGEMENT OF ONE OR MORE COUNTY AGENCY OR DEPARTMENT.

0004 (C) CAO. "CAO" means the Chief Administrative Officer of the County.
0005 /óóhny/whéns/tyé/óóde/ót/whóntégyéty/óóhny/tyégylátés/áttírtés/ín
0006 tyétyón/2A+17/ót/tyés/óóde

0007 (D) COMCOR. "COMCOR" MEANS THE CODE OF MONTGOMERY COUNTY REGULATIONS
0008 ESTABLISHED UNDER THIS ARTICLE.

0009 /tyétyóné/óóde/tyé/whéns/wh/óóde/tyétyóné/tyé/óóhny/tyétyóné/ót/tyé
0010 tyétyóné/áttírtés/á/tyétyóné/áttírtés/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné
0011 tyétyóné

0012 (E) EXECUTIVE ORDER. "EXECUTIVE ORDER" MEANS AN ORDER ISSUED BY THE
0013 COUNTY EXECUTIVE THAT DIRECTS A SPECIFIC ACTION.

0014 (F) PROMULGATOR. "PROMULGATOR" MEANS:

- 0015 (1) THE COUNTY EXECUTIVE; OR
- 0016 (2) A PERSON AUTHORIZED BY LAW TO ISSUE REGULATIONS.

0017 /tyétyóné/ót/tyétyóné/tyétyóné/whéns/wh/tyé/ót/tyé/ót
0018 tyétyóné/whíly/tyé/tyétyóné/tyé/tyé/óóhny/tyétyóné/ót/wh/óótyémáné/tyétyóné
0019 tyétyóné/tyé/tyé/tyé/tyétyóné

0020 /tyétyóné/whéns/tyé/whóntégyéty/óóhny/tyétyóné/áttírtés/áttírtés/ín/tyétyóné
0021 2A+18/ót/tyés/óóde
0022 2A+14/áttírtés/tyétyóné

0024 (d) tyétyóné/whéns/tyé/óóhny/tyétyóné/ót/wh/óótyémáné
0025 tyé/áttírtés/tyé/tyétyóné/tyétyóné/tyé/tyétyóné/whíly/wh/tyétyóné/wh/tyétyóné
0026 tyétyóné/tyé/tyétyóné/whíly/wh/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné
0027 tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné

0028 (b) tyétyóné/whéns/tyé/óóhny/tyétyóné/whíly/wh/tyétyóné/whíly/wh/tyétyóné/whíly/wh/tyétyóné
0029 tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné
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0035 tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné/tyétyóné

0001

0002 (C) *Próceadúirí fót/Approxáil//Régúlaíochá/éiháil/bé/adóptéa/in*
 0003 *áccóiríochá/wilín/óná/óir/éihé/éihéé/próceadúirí/wéirhóá/ééir/fóiréh/béilóá/áé*
 0004 *óireéiríochá/bý/láw//wéirhóá/(2)/éiháil/bé/ááéa/wéiré/á/épréiríic/wéirhóá/háé*
 0005 *áóir/bééa/prééiríochá/bý/láw/*

0006

0007 *Éóháir/Éóháir/áéiríon// Efféiríic/Dáiré////////*

0008

0009 *(1)/wéirhóá/(1) A/éóir/óir/éihé/éóiríicé Thé/tégháilíochá/óiréir/éihá*

0010

0011 *tégháilíochá/éiháil/bé áir/diáápríochá/óiríochá/*
 0012 *íóiríochá/éóir/éihé/Éóháir éiháil/bééóir/éiríicéir/óir*
 0013 *bý/éihé/próiríochá/óir/éihé ááé/éóiríochá/ápríochá/bý*
 0014 *á/príochá/tégháilíochá/wéirhóá Éóháir/téóiríochá/wéiréá*
 0015 *óir/príochá/éóir/wéiríochá ááéir/ááéir/á/épréiríic*
 0016 *íá/éihé/Réiríicéir//Thé íá/éihé/téóiríochá/*
 0017 *tégháilíochá/éiháil/áóir*
 0018 *bééóir/éiríicéir/wéiréá*
 0019 *ápríochá/íá/wéiré/óir/íá*
 0020 *ááéir/bý/éihé/Éóháir/bý*
 0021 *téóiríochá/*

0022

0023 *(2)/wéirhóá/(2) Thé/tégháilíochá/ááéir/ Thé/tégháilíochá/óiréir/éihá*
 0024 *ááéir/éóir/íá/wéiré/óir ááé/diáápríochá/óiríochá/*
 0025 *íá/ááéir/bý/éihé/Éóháir éiháil/bééóir/éiríicéir/óir*
 0026 *bý/téóiríochá/wéiríochá Thé/óóir/ááéir/éóiríochá*
 0027 *ááéir/éóiríochá/wéiríochá/ááéiríochá/ wéiríochá/*

0028

0029 *(3)/wéirhóá/(3) Wóir/éóiríochá/Éóháir Thé/tégháilíochá/éiháil/bééóir*
 0030 *áéiríochá/ éiríicéir/óir/éihé/óóir/ááéir*
 0031 *téóiríochá/ wéiríochá/*

0032

0033 (G) REGULATION. (1) "REGULATION" MEANS ANY RULE OR STANDARD THAT
 0034 A PROMULGATOR BY LAW IS AUTHORIZED TO ISSUE.

0035 (2) "REGULATION" INCLUDES ANY AMENDMENT TO AN EXISTING REGULATION.

0001 (H) REGISTER. "REGISTER" MEANS THE MONTGOMERY COUNTY REGISTER
0002 ESTABLISHED UNDER THIS ARTICLE.

0003

0004 2A-14. AUTHORITY TO ADOPT REGULATIONS. IF A LAW AUTHORIZES A PROMULGATOR TO
0005 IMPLEMENT OR ENFORCE THAT LAW, THE PROMULGATOR MAY ADOPT REGULATIONS TO
0006 IMPLEMENT OR ENFORCE THAT LAW EVEN IF THE AUTHORITY TO ADOPT THE REGULATIONS
0007 IS NOT SPECIFICALLY STATED IN THAT LAW.

0008

0009 2A-15. PROCEDURE FOR ADOPTION OF REGULATIONS.

0010 (A) REQUIREMENT. BEFORE A REGULATION IS EFFECTIVE, THE REGULATION SHALL
0011 MEET:

0012 (1) THE REQUIREMENTS OF THIS ARTICLE; AND

0013 (2) ANY OTHER REQUIREMENT IMPOSED BY LAW.

0014 (B) SINGLE SUBJECT REQUIREMENT. A PROPOSED REGULATION MAY NOT CONTAIN
0015 MORE THAN ONE SUBJECT MATTER.

0016 (C) PUBLICATION. A PROMULGATOR SHALL PUBLISH IN THE REGISTER:

0017 (1) A SUMMARY OF THE PROPOSED REGULATION;

0018 (2) THE PLACE WHERE A COPY OF THE PROPOSED REGULATION MAY BE
0019 OBTAINED;

0020 (3) THE DATE, TIME, AND PLACE OF ANY PUBLIC HEARING;

0021 (4) THE NAME AND ADDRESS OF A PERSON TO WHOM COMMENTS MAY BE
0022 DIRECTED;

0023 (5) THE DEADLINE FOR SUBMITTING COMMENTS;

0024 (6) A CITATION OF THE SECTION OF THE COUNTY CODE THAT AUTHORIZES
0025 THE ADOPTION OF THE REGULATION; AND

0026 (7) A STATEMENT OF THE PROCEDURAL METHOD UNDER SUBSECTION (D) OF
0027 THIS SECTION THAT IS TO BE USED.

0028 (D) PROCEDURES FOR APPROVAL. (1) A REGULATION SHALL BE ADOPTED UNDER
0029 ONE OF THE 3 METHODS SET OUT IN THIS SUBSECTION.

0030 (2) A LAW AUTHORIZING A REGULATION MAY PROVIDE FOR ONE OF THE 3
0031 METHODS TO BE USED.

0032 (3) IF THE LAW DOES NOT PROVIDE ONE OF THE 3 METHODS TO BE USED,
0033 METHOD (2) SHALL BE USED.

0034

0035

METHOD (1)

0001

0002 1. THE PROMULGATOR SHALL SEND A COPY OF THE PROPOSED REGULATION TO THE
0003 COUNTY COUNCIL WITHIN 14 CALENDAR DAYS AFTER THE DEADLINE FOR COMMENTS
0004 PUBLISHED IN THE REGISTER.

0005 2. WITHIN 30 CALENDAR DAYS AFTER RECEIPT OF THE PROPOSED REGULATION UNDER
0006 PART 1. OF THIS METHOD, THE COUNTY COUNCIL PRESIDENT MAY SET A DEADLINE FOR
0007 APPROVAL OR DISAPPROVAL OF THE PROPOSED REGULATION.

0008 3. IF A DEADLINE UNDER PART 2. OF THIS METHOD IS NOT SET, THE PROPOSED
0009 REGULATION IS PLACED ON THE COUNCIL AGENDA THAT IMMEDIATELY FOLLOWS THE 30
0010 CALENDAR DAYS AFTER RECEIPT OF THE PROPOSED REGULATION.

0011 4. IF NECESSARY TO ASSURE COMPLETE REVIEW, THE COUNTY COUNCIL BY RESOLUTION
0012 MAY EXTEND THE DEADLINE FOR COUNTY COUNCIL ACTION.

0013 5. THE COUNTY COUNCIL BY RESOLUTION MAY APPROVE OR DISAPPROVE IN WHOLE OR
0014 IN PART THE PROPOSED REGULATION.

0015 6. IF THE COUNTY COUNCIL APPROVES THE REGULATION, THE REGULATION IS
0016 EFFECTIVE 30 CALENDAR DAYS AFTER THE DATE OF ADOPTION OF THE RESOLUTION
0017 APPROVING THE REGULATION.

0018

0019 METHOD (2)

0020

0021 1. THE PROMULGATOR SHALL SEND A COPY OF THE PROPOSED REGULATION TO THE
0022 COUNTY COUNCIL WITHIN 14 CALENDAR DAYS AFTER THE DEADLINE FOR COMMENTS
0023 PUBLISHED IN THE REGISTER.

0024 2. THE COUNTY COUNCIL BY RESOLUTION MAY APPROVE OR DISAPPROVE IN WHOLE OR
0025 IN PART THE PROPOSED REGULATION WITHIN 30 CALENDAR DAYS AFTER RECEIPT OF
0026 THE PROPOSED REGULATIONS UNDER PART 1. OF THIS METHOD.

0027 3. IF NECESSARY TO ASSURE COMPLETE REVIEW, THE COUNTY COUNCIL BY RESOLUTION
0028 MAY EXTEND THE 30 CALENDAR DAY DEADLINE UNDER PART 2. OF THIS METHOD.

0029 4. IF THE COUNTY COUNCIL APPROVES THE PROPOSED REGULATION, THE REGULATION
0030 IS EFFECTIVE 30 CALENDAR DAYS AFTER THE DATE OF ADOPTION OF THE RESOLUTION
0031 APPROVING THE REGULATION.

0032 5. IF THE COUNTY COUNCIL DOES NOT APPROVE OR DISAPPROVE THE PROPOSED
0033 REGULATION WITHIN THE 30 CALENDAR DAYS AFTER RECEIPT OF THE PROPOSED
0034 REGULATION UNDER PART 1. OF THIS METHOD, THE PROPOSED REGULATION IS
0035 AUTOMATICALLY APPROVED.

0001 6. IF THE PROPOSED REGULATION IS AUTOMATICALLY APPROVED UNDER PART 5. OF
0002 THIS METHOD, THE REGULATION IS EFFECTIVE 60 CALENDAR DAYS AFTER RECEIPT OF
0003 THE PROPOSED REGULATION UNDER PART 1. OF THIS METHOD.

0004 7. IF THE COUNTY COUNCIL EXTENDS THE TIME FOR APPROVAL OR DISAPPROVAL UNDER
0005 PART 3 OF THIS METHOD, UNTIL THE EXPIRATION OF THE EXTENDED TIME, THE
0006 PROPOSED REGULATION IS NOT AUTOMATICALLY APPROVED.

0007
0008 METHOD (3)
0009

0010 1. A PROPOSED REGULATION UNDER THIS METHOD IS NOT SUBJECT TO COUNTY COUNCIL
0011 APPROVAL OR DISAPPROVAL.

0012 2. THE PROMULGATOR SHALL SEND A COPY OF THE PROPOSED REGULATION TO THE
0013 COUNTY COUNCIL.

0014 3. THE REGULATION IS EFFECTIVE 30 CALENDAR DAYS AFTER THE DEADLINE FOR
0015 COMMENTS PUBLISHED IN THE REGISTER.

0016

0017

0018 (E) AMENDMENT OF PROPOSED REGULATION. THE PROMULGATOR MAY AMEND A
0019 PROPOSED REGULATION IF:

0020 (1) THE COUNTY COUNCIL HAS NOT TAKEN FINAL ACTION ON THE PROPOSED
0021 REGULATION; AND

0022 (2) THE AMENDMENT RELATES TO THE ADVERTISED PURPOSE OF THE PROPOSED
0023 REGULATION.

0024 (F) WITHDRAWAL OF PROPOSED REGULATION. NO LATER THAN 10 DAYS BEFORE THE
0025 EFFECTIVE DATE OF A PROPOSED REGULATION, THE PROMULGATOR MAY WITHDRAW THE
0026 PROPOSED REGULATION.

0027 (G) PUBLICATION OF FINAL ACTION. (1) IN THE ISSUE OF THE REGISTER THAT
0028 FOLLOWS THE FINAL ACTION TAKEN ON A PROPOSED REGULATION, THE PROMULGATOR
0029 SHALL PUBLISH THE FINAL ACTION TAKEN ON THE PROPOSED REGULATION.

0030 (2) IF THE PROPOSED REGULATION IS APPROVED, THE PROMULGATOR SHALL:

0031 (I) IF A SUBSTANTIVE CHANGE TO THE PROPOSED REGULATION IS NOT
0032 MADE, CITE THE ISSUE OF THE REGISTER THAT CONTAINS THE INITIAL PUBLICATION
0033 OF NOTICE OF THE PROPOSED REGULATION; OR

0034 (II) IF A SUBSTANTIVE CHANGE TO THE PROPOSED REGULATION IS
0035 MADE, PUBLISH A SUMMARY OF THE PROPOSED REGULATION AS AMENDED.

0001 (B) CONTENT OF PROCEDURE. THE ADMINISTRATIVE PROCEDURE SHALL PROVIDE

0002 FOR:

0003 (1) ADOPTION.

0004 (2) NOTICE.

0005 (3) COMPILATION.

0006 (4) AMENDMENT.

0007 (5) REPEAL.

0008 (C) COPY TO COUNTY COUNCIL. THE COUNTY EXECUTIVE SHALL PROVIDE THE
0009 SECRETARY OF THE COUNTY COUNCIL WITH A COPY OF EACH EXECUTIVE ORDER ADOPTED.

0010

0011 2A-18. COMPILATION OF EXECUTIVE REGULATIONS.

0012 (A) COMCOR ESTABLISHED. THERE IS A CODE OF MONTGOMERY COUNTY

0013 REGULATIONS THAT INCLUDES:

0014 (1) EACH REGULATION OF THE COUNTY GOVERNMENT;

0015 (2) ANY DOCUMENT THAT THE CAO DETERMINES SHOULD BE INCLUDED;

0016 (3) ANNOTATIONS OF ANY JUDICIAL DECISION THAT CITES A REGULATION OR
0017 DOCUMENT CONTAINED IN COMCOR;

0018 (4) ANY EXPLANATORY ANNOTATIONS; AND

0019 (5) AN INDEX BY AGENCY AND SUBJECT MATTER.

0020 (B) DUTIES OF CAO. (1) THE CAO SHALL COMPILE, EDIT, INDEX, AND
0021 SUPPLEMENT COMCOR.

0022 (2) THE CAO MAY PROCURE A CONTRACT TO MEET THE REQUIREMENTS OF THIS
0023 SUBSECTION.

0024 *(A) // Ediltoial/etanaatde/ana/edilfikatiola/eyeteu//The/CAO/ehail*

0025 *estayilsh/ediltoial/etanaatde/ana/a/edilfikatiola/eyeteu/to/whilch/all*

0026 *teghilafioas/ana/abotueatse/publiasheda/ia/COMCOR/ana/the/pretadent*

0027 *stprleueatse/ehail/ediltoial//aflet/ebnshilafioa/wilch/the/ptowilghilgh*

0028 *dufhotitsh/the/CAO/udh/edil/ptetioasly/abotse/teghilafioas/to/ediltoial/to*

0029 *estayilsheda/ediltoial/etanaatde/ana/edilfikatiola/eyeteu*

0030 *(B) //Reuotail/ot/obselete/teghilafioas//Wilch/the/ebnshil/ot/the*

0031 *ebnshil/afetioasly/the/CAO/udh/teuote/obselete/teghilafioas/ot/pattse/ot*

0032 *teghilafioas/ftoa/COMCOR/whch*

0033 *(1) //The/teghilafioas/ate/edilafed/abotseilafioadil/ty/a/edilte*

0034 *ot/ftadil/abpéail/ot*

0035 *(2) //The/depattent/ot/egentshilch/was/to/aduhalsetet/ot*

- 0001 (11) / A / T A B I E / O F / C O N T E N T S / A N D / A N / I N D E X / T O / A L L / S E C T I O N S / O F
- 0002 C O M M O R / A f f e c t e d /
- 0003 (12) / P r e q u e n t / O F / P u b l i c a t i o n /
- 0004 (13) / T h e / R e g i s t e r / S h a l l / B e / P u b l i s h e d / A t / L e a s t / O n e / C o p y /
- 0005 w o n t b e /
- 0006 (14) / T h e / C A O / W a y / P r o v i d e / F o r / T h e / W o r k / F r e q u e n t / P u b l i c a t i o n / O F
- 0007 T h e / R e g i s t e r / A s / E i t h e r / A n t e r / T e r m i n e s /
- 0008 2 A + 1 9 / / P e r m a n e n t / S u b s c r i b e r s / T o / C O M M O R /
- 0009 A t / L e a s t / O n e / C o p y / E a c h / Y e a r / T o / B e / P r e s e n t e d / A n d / A n y / O t h e r / A d d i t i o n a l / O t
- 0010 t h e / O f / A d d i t i o n a l / W o r k / T h e / C A O / d e t e r m i n e s / S h o u l d / B e / I n c l u d e d / S h a l l / B e
- 0011 P u b l i s h e d / B y / T h e / C o u n t y / A f t e r / A n d / P e r m a n e n t l y / I n t e g r a t e d / I n t o / C O M M O R
- 0012 w a s / I n / O b s e r v a n c e / A t / L e a s t / O n e / C o p y / A p p r o p r i a t e / P e r m a n e n t / S u b s c r i b e r s / T o
- 0013 C O M M O R / / T h e / I n d e x / T o / C O M M O R / S h a l l / B e / S i m i l a r l y / S u b s c r i b e r s / O f / T e r m s /
- 0014 2 A + 2 0 / / P r e s e n t e d / A n d / A d d i t i o n a l / O F / C O M M O R / A n d / T h e / R e g i s t e r /
- 0015 (15) / P r e s e n t e d / T h e / C A O / S h a l l / P e r m a n e n t l y / E s t a b l i s h / T e r m s / P r e s e n t e d
- 0016 t o / I n d i v i d u a l / C o p i e s / O f / O n e / A / S u b s c r i b e r / T o / C O M M O R / T h e / R e g i s t e r / A n d
- 0017 T h e / P e r m a n e n t / S u b s c r i b e r s /
- 0018 (16) / D i s t r i b u t i o n / T o / P u b l i c / / C o p i e s / O f / E a c h / P u b l i c a t i o n / P r e s e n t e d
- 0019 P r e s e n t e d / T o / T h e / A t / L e a s t / S h a l l / B e / W a s / A d d i t i o n a l / T o / T h e / P u b l i c / A t / L e a s t
- 0020 A s / P r o v i d e d / B y / T h e / C A O /
- 0021 (17) / P r e s e n t e d / A d d i t i o n a l / / O n e / C o p y / O f / E a c h / P u b l i c a t i o n / P r e s e n t e d / W a s
- 0022 T h e / A d d i t i o n a l / O f / T h e / A t / L e a s t / S h a l l / B e / A d d i t i o n a l / I n / O f / E a c h / T o / T h e
- 0023 f o l l o w i n g /
- 0024 (18) / T h e / S e c t i o n s / O f / T h e / C o n t e n t s / C o n t a i n
- 0025 (19) / T h e / C o n t e n t s / A f t e r
- 0026 (20) / T h e / C o n t e n t s / E x c e p t
- 0027 (21) / T h e / S e c t i o n s / O f / T e r m s / C o n t a i n
- 0028 (22) / T h e / S e c t i o n s / I n / I n t e r
- 0029 (23) / T h e / S e c t i o n s / A d d i t i o n a l / O f / L e g i s l a t i v e / T e r m s
- 0030 (24) / M a t t e r s / W h i c h / A r e / C o n s i d e r e d / O f / T h e / W o r k / O n e / C o p y /
- 0031 A d d i t i o n a l / O f / P u b l i c / I n t e r / A n d
- 0032 (25) / A t / O n e / P r e s e n t e d / A d d i t i o n a l / B y / T h e / C o n t e n t s / C o n t a i n / B y
- 0033 t e r m s / O f / T h e / C o n t e n t s / E x c e p t / B y / E x c e p t / O f /
- 0034 2A-19. MONTGOMERY COUNTY REGISTER.
- 0035 (A) REGISTER ESTABLISHED. THERE IS A MONTGOMERY COUNTY REGISTER



0001 THAT:

0002 (1) IS A TEMPORARY SUPPLEMENT TO COMCOR;

0003 (2) PUBLISHES ANY REGULATION ADOPTED BETWEEN ISSUES OF THE

0004 REGISTER; AND

0005 (3) INCLUDES:

0006 (I) THE INFORMATION REQUIRED UNDER SECTION 2A-15 OF THIS

0007 ARTICLE FOR EACH REGULATION;

0008 (II) ANY DOCUMENT THAT THE CAO DETERMINES SHOULD BE

0009 INCLUDED;

0010 (III) A TABLE OF CONTENTS; AND

0011 (IV) AN INDEX OF THE COMCOR SECTIONS AFFECTED.

0012 (B) DUTIES OF THE CAO. (1) THE CAO SHALL COMPILE AND PUBLISH THE

0013 REGISTER.

0014 (2) THE CAO MAY PROCURE A CONTRACT TO MEET THE REQUIREMENTS OF

0015 THIS SUBSECTION.

0016 (C) FREQUENCY OF PUBLICATION. THE REGISTER SHALL BE PUBLISHED AT

0017 LEAST ONCE EVERY 3 MONTHS.

0018 2A-20. PRICING AND AVAILABILITY OF COMCOR AND THE REGISTER.

0019 (A) PRICING. THE CAO SHALL SET A REASONABLE PRICE FOR EACH COPY OR

0020 EACH SUBSCRIPTION OF:

0021 (1) COMCOR;

0022 (2) THE REGISTER; OR

0023 (3) THE SUPPLEMENTS TO COMCOR.

0024 (B) AVAILABILITY. ANYONE MAY PURCHASE A COPY OF:

0025 (1) COMCOR;

0026 (2) THE REGISTER; AND

0027 (3) THE SUPPLEMENTS TO COMCOR.

0028 (C) FREE DISTRIBUTION. A COPY OF COMCOR, THE REGISTER, AND THE

0029 SUPPLEMENTS TO COMCOR SHALL BE DISTRIBUTED TO:

0030 (1) THE SECRETARY OF THE COUNTY COUNCIL;

0031 (2) THE COUNTY ATTORNEY;

0032 (3) THE COUNTY EXECUTIVE;

0033 (4) THE STATE HALL OF RECORDS COMMISSION;

0034 (5) THE STATE LAW LIBRARY;

0035 (6) THE STATE DEPARTMENT OF LEGISLATIVE REFERENCE;

0001 (7) THE MARYLAND-MUNICIPAL COLLECTION OF THE MONTGOMERY COUNTY
0002 DEPARTMENT OF PUBLIC LIBRARIES;
0003 (8) THE OFFICE OF LEGISLATIVE OVERSIGHT;
0004 (9) ANY PERSON THAT THE COUNTY COUNCIL BY RESOLUTION
0005 DESIGNATES; AND
0006 (10) ANY PERSON THAT THE COUNTY EXECUTIVE BY EXECUTIVE ORDER
0007 DESIGNATES.
0008
0009 2A-21. REVIEW OF REGULATIONS.
0010
0011 (A) REVIEW REQUIRED. AT LEAST ONCE EVERY 4 YEARS, EACH REGULATION
0012 SHALL BE REVIEWED BY THE COUNTY COUNCIL.
0013 (B) DUTIES OF THE CAO. THE CAO SHALL:
0014 (1) BEFORE JULY 1, 1984, ESTABLISH 4 GROUPS OF REGULATIONS BY
0015 AGENCY TO BE REVIEWED; AND
0016 (2) DESIGNATE EACH NEW REGULATION ADOPTED TO A GROUP
0017 ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.
0018 (C) TIME FOR INITIAL REVIEW. (1) GROUP I IS SUBJECT TO REVIEW IN
0019 FY 1985;
0020 (2) GROUP II IS SUBJECT TO REVIEW IN FY 1986;
0021 (3) GROUP III IS SUBJECT TO REVIEW IN FY 1987; AND
0022 (4) GROUP IV IS SUBJECT TO REVIEW IN FY 1988.
0023 (D) MANNER OF REVIEW. EACH REGULATION SHALL BE REVIEWED IN THE SAME
0024 MANNER AS THE METHOD UNDER SECTION 2A-15 OF THIS ARTICLE THAT IS DESIGNATED
0025 FOR THE ADOPTION OF THE REGULATION.
0026 (E) REGULATIONS UNDER METHODS (1) AND (2). IF A REGULATION IS TO BE
0027 REVIEWED UNDER METHOD (1) OR (2) OF SECTION 2A-15 OF THIS ARTICLE, BY
0028 OCTOBER 15 OF THE YEAR THAT THE REGULATION IS SUBJECT TO REVIEW, THE
0029 PROMULGATOR SHALL SUBMIT TO THE COUNTY COUNCIL:
0030 (1) A COPY OF THE REGULATION;
0031 (2) A COPY OF THE REGULATION WRITTEN UNDER THE PLAIN LANGUAGE
0032 STANDARD ADOPTED BY THE COUNTY COUNCIL;
0033 (3) A COPY OF ANY FORM USED TO CARRY OUT THE REGULATION;
0034 (4) A STATEMENT OF ANY CHANGE TO THE REGULATION THAT THE
0035 PROMULGATOR PROPOSES;

0001 (5) A STATEMENT OF ANY CHANGE IN CONDITION OR LAW THAT AFFECTS
0002 THE REGULATION; AND

0003 (6) A STATEMENT OF WHY THE REGULATION IS
0004 NEEDED AND THAT A SIMPLER WAY OF ACCOMPLISHING THE PURPOSE OF THE REGULATION
0005 CANNOT BE FOUND.

0006 (F) REGULATIONS UNDER METHOD (3). IF A REGULATION IS TO BE REVIEWED
0007 UNDER METHOD (3) OF SECTION 2A-15 OF THIS ARTICLE, BY OCTOBER 15 OF THE YEAR
0008 THAT THE REGULATION IS SUBJECT TO REVIEW, THE PROMULGATOR SHALL:

0009 (1) REVIEW THE REGULATION FOR ANY CHANGE IN CONDITION OR LAW
0010 THAT AFFECTS THE REGULATION; AND

0011 (2) REWRITE THE REGULATION IN THE PLAIN LANGUAGE STANDARD
0012 ADOPTED BY THE COUNTY COUNCIL.

0013 (G) REPEAL OF REGULATION. (1) FOR ANY REGULATION REVIEWED UNDER METHOD
0014 (1) OF SECTION 2A-15 OF THIS ARTICLE, IF THE COUNTY COUNCIL BY RESOLUTION
0015 DOES NOT EXTEND THE REGULATION BEFORE FEBRUARY 15 OF THE YEAR AFTER THE
0016 REGULATION IS SUBJECT TO REVIEW, THE REGULATION IS REPEALED AS OF JUNE 30 OF
0017 THAT YEAR.

0018 (2) FOR ANY REGULATION REVIEWED UNDER METHOD (2) OF SECTION
0019 2A-15 OF THIS ARTICLE, IF THE COUNTY COUNCIL BY RESOLUTION DOES NOT REPEAL
0020 THE RESOLUTION BEFORE FEBRUARY 15 OF THE YEAR AFTER THE REGULATION IS
0021 SUBJECT TO REVIEW, THE REGULATION CONTINUES IN EFFECT.

0022 *2A-211 // P e t i t i o n e r / R e v i e w / o f / R e g u l a t i o n s*

0023 *(A) // W o t / I a t e t / E h a d / S a l y / I 6 / 1 9 8 4 / E h e / C A O / S h a l l / c l a s s i f y / a l l*
0024 *t e g u l a t i o n s / i n t o / f o u r / g r o u p s / b y / d e g r e e / o f / s u b j e c t / m a t t e r / o f / s u b j e c t / o f / s u b j e c t*
0025 *w a r a n t / a s / t h e / d e e p e s / b e s y // G t o u p / I / S h a l l / b e / s u b j e c t / t o / t e r m i n a t i o n / i n / F Y / 1 9 8 4 /*
0026 *G t o u p / I I / i n / F Y / 1 9 8 5 / G t o u p / I I I / i n / F Y / 1 9 8 6 / a n d / G t o u p / I V / i n / F Y / 1 9 8 7 // E a c h*
0027 *g r o u p / S h a l l / b e / s u b j e c t / t o / t e r m i n a t i o n / a g a i n / e x c e p t / i n / y e a r / a f t e r / i t s / i n i t i a l*
0028 *t e r m i n a t i o n / i n / t h e / y e a r s / s p e c i f i e d / a b o v e // T h e / g r o u p / o f / t e g u l a t i o n s / b e l o n g i n g*
0029 *t o / t h e / g r o u p / o f / t e g u l a t i o n s / b e l o n g i n g / t o / t h e / g r o u p / o f / t e g u l a t i o n s / b e l o n g i n g*
0030 *t o / t h e / g r o u p / o f / t e g u l a t i o n s / b e l o n g i n g / t o / t h e / g r o u p / o f / t e g u l a t i o n s*

0031 *(B) // F o r / t h e / t e r m i n a t i o n / y e a r / i n / w h i c h / a / t e g u l a t i o n / o t / t e r m i n a t i o n / s u b j e c t / t o*
0032 *t e r m i n a t i o n / a p p l i e s / t o / t e r m i n a t i o n*

0033 *(C) // T h e / t e g u l a t i o n / S h a l l / b e / d e e p e s / o f / t h e / t e r m i n a t i o n / t o / t e r m i n a t i o n*
0034 *a f t e r / a f t e r / t e r m i n a t i o n / i n / w h i c h / i t / h a s / b e e n / t e r m i n a t i o n / b y / t h e / t e r m i n a t i o n*
0035 *t e r m i n a t i o n / o t / t e r m i n a t i o n*

0001 (2) / Ինքնաշարժիչ / ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0002 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0003 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0004 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0005 (1) / ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0006 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0007 (1) / ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0008 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0009 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0010 (1) / ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0011 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0012 (3) / Ինքնաշարժիչ / ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0013 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0014 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0015 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0016 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0017 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ
0018 ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ

0019 Sec. 1A. Sections 1-18(c) and 1-19 of Chapter 1, title "General
0020 Provisions" of the Montgomery County Code 1972, as amended, be and hereby
0021 are amended to read as follows:

0022 1-18. Civil Fines and Procedures.
0023 * * *

0024 (c) Amount of Fine.
0025 The amount of the civil fine which is to be imposed for a
0026 violation is that amount set forth in Section 1-19, unless a lower amount
0027 for a specific violation has been established by an Executive Regulations [,
0028 approved by the County Council] ADOPTED by the County
0029 Executive by UNDER Method 2/ ԲՆԱԿԱՆՈՒԹՅԱՆ ԵՎ ԲՆԱԿԱՆՈՒԹՅԱՆ (1) OF Section
0030 2A+14(ե)(2)2A-15 of this code CODE.

0031 * * *
0032 1-19. Enforcement of County Law.
0033 Violations of County laws, ordinances and regulations identified
0034 as Class A, B, or C violations shall, upon conviction thereof before a court
0035 of competent jurisdiction, be punishable as a misdemeanor by a fine of not

0001 more than the amount shown below, or both such fine and imprisonment, in the
 0002 discretion of the court.

0003 Violations may, in the alternative and at the discretion of the
 0004 agency responsible for enforcement thereof, be punishable as a civil
 0005 violation, as set forth in Section 1-18. The civil fine shall be in the
 0006 amount shown below, unless a lower amount for a specific violation has been
 0007 established by an Executive Regulation [, subject to approval by the County
 0008 Council] ~~promulgated~~ ADOPTED by the county executive ~~by~~ UNDER Method
 0009 2/published/ed/the (1) OF Section 2A-14(1)(2) 15 of this ~~code~~ CODE.

0010 Sec. 2. Section 2-99, title "Annual compilation of laws...(etc.)" of
 0011 Chapter 2, title "Administration" of the Montgomery County Code (1972, as
 0012 amended) be and hereby is amended to read as follows:

0013 2-99. Annual compilation of laws, ordinances, [rules and] regulations or
 0014 cumulative supplement - Required; preparation and publication;
 0015 contents.

0016 The county attorney shall prepare and have published and printed under
 0017 his direction, as soon as practicable after June 30, of each year a bound,
 0018 hardback compilation or cumulative supplement to the Montgomery County Code
 0019 which shall include the following:

0020 (a) Laws enacted during the last previous twelve-month period
 0021 ending June 30, etc. Laws enacted by the council during the last previous
 0022 twelve-month period ending June 30 or a cumulative supplement containing, as
 0023 amended, the sections of the Montgomery County Code amended during the
 0024 preceding fiscal years, cumulated since the last publication of the Code, by
 0025 enactments of the Maryland General Assembly or the Montgomery County Council.

0026 (b) [Rules, regulations and ordinances. Rules, regulations and
 0027 ordinances adopted by the council and rules and regulations promulgated by
 0028 the county executive during the last previous twelve months' period ending
 0029 June 30, general and permanent in character and having the force and effect
 0030 of law or a cumulative supplement containing, as amended, the sections of
 0031 the Montgomery County Code amended since the last publication of the Code by
 0032 rules and regulations and ordinances adopted by the Montgomery County
 0033 Council and rules and regulations promulgated by the county executive.

0034 (c) Other laws, etc. Other laws [,] and ordinances enacted by the
 0035 county council [and all rules and regulations of a general and permanent

0001 nature having the force and effect of law adopted by the county council or
 0002 promulgated by the county executive], cumulated since the last publication
 0003 of the code which are not codified by section of the Montgomery County Code
 0004 shall be included in an appropriate place in every cumulative supplement;
 0005 except, that standards[, rules] and regulations adopted by reference to an
 0006 existing specific publication need not be included in a cumulative
 0007 supplement provided that the legislative vehicle by which such standard[,
 0008 rule] or regulation was adopted is included.

0009 [(d)] (c) Appropriation resolution. The appropriation resolution
 0010 adopted by the county council for the fiscal year current at the time of
 0011 publication.

0012 [(e)] (d) Cumulative table of sections. A table of the sections of
 0013 the county code repealed, added or amended subsequent to the publication of
 0014 the last edition of the Montgomery County Code.

0015 [(f)] (e) Changes in constitution, etc. Changes in article XI-A of
 0016 the Maryland Constitution, Article 25A of the Annotated Code of Maryland,
 0017 the Charter, and the rules of legislative procedure of the County Council.

0018 [(g)] (f) Indices. Appropriate indices of the foregoing.

0019 Sec. 3. Section 2-105, title "Procedure for adoption of rules and
 0020 regulations by the county executive" of Chapter 2, title "Administration" of
 0021 the Montgomery County Code (1972, as amended) be and hereby is repealed in
 0022 its entirety. Any reference in the County Code to Section 2-105 shall be
 0023 deemed to refer to Article II of Chapter 2.

0024 Sec. 4. Sections 2-9, 2-15, 2-33, 2-42(c) and 2-140(a)(6) of Chapter 2,
 0025 title "Administration", be and hereby are amended to read as follows:

0026 2-9. County vehicles - Storage, parking, markings or identification,
 0027 designation and use generally.

0028 Storage, parking, markings or identification, designation and use of
 0029 county vehicles shall be provided for in [the administrative] executive
 0030 regulations [of] ~~promulgated~~ ADOPTED by the county executive ~~by~~ UNDER
 0031 Method 1 (3) provided to ~~OF~~ Section 2A-141(1) 15 of this code
 0032 CODE; provided, that in accordance with section 2-10, such vehicles shall be
 0033 used only for official county business.

0034 * * *

0035 2-15. Same - Arms and ammunition; civilian defense personnel; rules,

0001 regulations, etc.

0002 In order to carry out the provisions of sections 2-14 through 2-16 of
 0003 this Code the county executive may provide and furnish arms and ammunition
 0004 to the citizens of the county or to the militia of the state, and may
 0005 provide and furnish any or all persons engaged in public defense within the
 0006 county with protective armor and such other equipment and supplies and also
 0007 purchase, rent, hire and maintain lands, buildings, and equipment as may be
 0008 considered to be necessary and proper. The county executive may engage the
 0009 service of persons charged with assisting in public defense and may, with
 0010 the approval of the council, fix the compensation of such persons, including
 0011 the payment for services heretofore rendered in connection with the civilian
 0012 defense activities of the county, and may do all other things needful and
 0013 necessary to protect and safeguard the people and property within the county
 0014 from actual or threatened armed invasion or insurrection, and may alleviate
 0015 their suffering resulting from fire, flood, disaster or epidemic of disease,
 0016 or other such emergencies. The county executive is authorized to
 0017 [promulgate] ADOPT [rules and] regulations ~~by~~ UNDER Method (2)
 0018 ~~promulgate~~ OF Section 2A-14(1)(2) 15 of this ~~code~~ CODE to protect
 0019 the citizens of the county during blackouts, practice air raid alarms, air
 0020 raids and invasion. All acts done and all money expended by the county for
 0021 such purposes, either heretofore or hereafter, including the purchase of
 0022 equipment for civilian defense organization and maintenance, the employment
 0023 of administrative and technical aid in the interest of civilian defense, the
 0024 purchase of medical supplies for casualty stations, and the purchase of
 0025 arms, ammunition and providing and furnishing of telephone service and other
 0026 service and supplies are hereby ratified and confirmed as just and lawful
 0027 acts of the county.

0028 * * *

0029 2-33. Collection of taxes and special assessments; receipt of and
 0030 responsibility for money; service charge for dishonored checks or
 0031 drafts.

0032 The director of finance shall collect all taxes and special assessments
 0033 levied by the county council, and such other taxes and assessments the
 0034 collection of which may by the charter or public general or local law be
 0035 charged to the department of finance. The director of finance shall receive

0001 all money paid to the county from any source. The director of finance shall
0002 not be responsible for money paid to persons or officials not under the
0003 director's direction or control, until such monies have been properly
0004 transferred to the director of finance or someone designated by the director
0005 for receipt of such funds.

0006 When any check or draft tendered to Montgomery County in payment of any
0007 tax, fee, charge, penalty, interest or fine due the county is dishonored by
0008 a bank, a service charge of ten dollars or such other reasonable amount as
0009 may be established by executive regulation [of] ~~provided~~ ADOPTED by
0010 the county executive ~~by~~ under Method ~~2~~ (3) ~~provided~~ OF Section
0011 ~~2A-2A-14(1)(3)~~ 15 of this ~~code~~ CODE, shall be imposed and added to the
0012 amount due and owing. The director may require that the total amount due,
0013 including the service charge, be paid in cash, certified check or money
0014 order.

0015 2-42. GENERALLY.

* * *

0017 (C) ELIGIBILITY AND FEES FOR SERVICES. THE COUNCIL IS HEREBY
0018 AUTHORIZED TO ADOPT RESOLUTIONS ESTABLISHING ELIGIBILITY FOR SERVICE. FEE
0019 SCHEDULES FOR ANY HEALTH DEPARTMENT SERVICES SHALL BE ESTABLISHED BY THE
0020 COUNTY EXECUTIVE, BY REGULATIONS ADOPTED UNDER METHOD (3) OF SECTION 2A-15
0021 OF THIS CODE, WHO MAY FROM TIME TO TIME CHANGE SUCH FEES TO AN AMOUNT NOT TO
0022 EXCEED THE COST OF THE SERVICES PROVIDED THEREFOR.

* * *

0024 2-140. Powers, duties and functions.

0025 (a) The office of the hearing examiner shall have the following powers,
0026 duties and functions:

* * *

0028 (6) To recommend [rules and] regulations to the county council TO BE
0029 ADOPTED UNDER METHOD (2) OF SECTION 2A-15 OF THIS CODE to govern the conduct
0030 of public hearings and other functions of the office of the hearing examiner.

0031 Sec. 5. Section 2B-5(a)(4) of Chapter 2B, title "Agricultural Land
0032 Preservation" be and hereby is amended to read as follows:

0033 2B-5. Agricultural easements - Generally.

0034 (a) Purchase of easements.

* * *

0035

0001 (4) The purchase of easements by the county must be consistent with
 0002 the general plan of Montgomery County, as amended by applicable master
 0003 plans. The county executive shall [promulgate] ADOPT regulations ~~by~~
 0004 UNDER Method (2) ~~promulgate/it~~ OF Section ~~2A-1A(1)(2)~~ 2A-15 of this
 0005 ~~code~~ CODE, for the county purchase of easements [and, prior to final
 0006 adoption, such proposed regulations shall be submitted to the county council
 0007 for review and comments].

0008 Sec. 6. Sections 3-3(c) and 3-4 of Chapter 3, title "Air Quality
 0009 Control" be and hereby are amended to read as follows:
 0010 3-3(c). Administration.

0011 It shall be the duty of the director of the department of environmental
 0012 protection to:

0013 * * * (c) Issue

0014 such orders as may be necessary to effectuate the purposes of this chapter
 0015 and enforce the same by all appropriate administrative and judicial
 0016 proceedings;

0017 * * *

0018 3-4. [Rules and regulations] REGULATIONS.

0019 The [director] county executive may, [after a duly advertised public
 0020 hearing, adopt, amend or alter written] ~~promulgate~~ ADOPT [rules and]
 0021 regulations, ~~by~~ UNDER Method (2) ~~promulgate/it~~ OF Section ~~2A-1A(1)(2)~~
 0022 15 of this ~~code~~ CODE, for this chapter. Such [rules and] regulations
 0023 shall not conflict with nor waive any provisions of this Code nor be less
 0024 restrictive than [rules and] regulations currently established and in effect
 0025 as requirements of the state department of health and mental hygiene. [At
 0026 least three weeks prior to adoption of the proposed rules and regulations,
 0027 the county executive shall cause to be published once a week for two
 0028 successive weeks in two newspapers of general circulation in the county, a
 0029 brief summary of the rules and regulations to be adopted, together with a
 0030 statement of the place where a complete copy thereof may be obtained and an
 0031 invitation to the public to testify in person or submit written comments on
 0032 the proposed rules and regulations. Such rules and regulations and
 0033 amendments thereto shall become effective upon their adoption by the county
 0034 executive and shall have the force and effect of law from and after the
 0035 thirtieth day following their adoption or upon such earlier date as may be

0001 fixed upon declaration of any emergency. There shall be no requirement for
 0002 a public hearing hereunder when the proposed changes are merely to conform
 0003 the rules and regulations to state or federal law, rules or regulations.]

0004 [(b) Promptly following adoption and prior to the effective date, the
 0005 county executive shall cause to be published once a week for two successive
 0006 weeks in any one newspaper of general circulation in the county, a brief
 0007 summary of the rules and regulations so adopted, together with a statement
 0008 of its effective date and of the place where a copy thereof may be
 0009 obtained. The requirements of publication prior to the effective date shall
 0010 not apply to rules and regulations adopted upon the declaration of an
 0011 emergency. A summary of emergency rules and regulations shall be published
 0012 promptly after the adoption of such regulations.]

0013 [(c)] (b) [Rules and regulations promulgated] REGULATIONS ADOPTED
 0014 pursuant to provisions of this section shall provide for but not be limited
 0015 to the following:

0016 (1) Control of particulate matter emissions from fuel burning
 0017 installations, grain drying installations, materials handling and
 0018 construction and other acts and installations;

0019 (2) Control of gas, vapor, odor and volatile organic compound
 0020 emissions from fuel burning and other installations;

0021 (3) Prohibition of certain incinerators and new fuel burning
 0022 installations;

0023 (4) Application fees at a rate not to exceed the cost of
 0024 administering the program.

0025 [(d)] (c) Notwithstanding any other provisions of this section, the
 0026 county executive[, after notice and public hearing,] may [promulgate rules
 0027 and] ADOPT regulations, ~~by~~ UNDER Method (2) ~~pursuant to~~ OF Section
 0028 ~~2A-14(d)(2)~~ 2A-15 of this ~~code~~ CODE, regarding procedures for the
 0029 issuance of permits for indirect sources of pollution in accordance with
 0030 applicable state and federal regulations. [The county council may also hold
 0031 hearings on these rules and regulations and such rules and regulations shall
 0032 not be effective until approved by the council and published.]

0033 Sec. 6A. Sections 3A-2 (c) and (f) and Section 3A-6 of Chapter 3A,
 0034 title "Alarms" of the Montgomery County Code 1972, as amended, be and hereby
 0035 are amended to read as follows:

0001 3A-2. Alarm signal response fees.

0002 * * *

0003 (c) The Office of Consumer Affairs will be responsible [for
0004 [establishing and] publishing] ~~ADOPTING REGULATIONS UNDER METHOD (1) OF~~
0005 ~~SECTION 2A-14(e)(2) OF THIS CODE OF~~ procedures and fees] for the registration
0006 and the issuing of licenses to all alarm businesses that have consumers in
0007 Montgomery County and the issuing of the permits and permit decals to
0008 non-residential alarm users. The Office of Consumer Affairs will be
0009 responsible for the collection of the assessed fees hereunder.

0010 * * *

0011 (f) The County Executive may [establish and publish] ~~promulgate~~
0012 ADOPT regulations, ~~by~~ UNDER Method 1 (3) ~~presented to~~ OF Section
0013 ~~2A-14(e)(2)~~ 2A-15 of this ~~code~~ CODE, establishing procedures and fees
0014 for the registration and the issuing of licenses, permits, and permit decals
0015 and outlining the pertinent information needed from alarm businesses when
0016 reporting alarms directly to the police. Failure to provide the required
0017 information when notifying the police of an alarm may be cause for the
0018 suspension or revocation of the alarm business license by the Office of
0019 Consumer Affairs.

0020 3A-6. Rules and Regulations.

0021 The county executive shall adopt [and promulgate], ~~by~~ UNDER
0022 Method (2) ~~presented to~~ OF Section 2A-14(e)(2) 15 of this ~~code~~ CODE,
0023 reasonable and necessary [rules and] regulations for the implementation and
0024 administration of this Chapter.

0025 Sec. 7. Section 4-31 of Chapter 4, title "Amusements", be and hereby is
0026 amended to read as follows:

0027 4-31. Applications generally.

0028 All applications for a license required by this division shall be made
0029 to the department on such form as shall be designated. Applications shall
0030 not be accepted for filing unless accompanied by a receipt of the director
0031 of finance showing payment to the county of a filing fee of fifty dollars,
0032 or such other amount as may be established by regulation [of] ~~promulgated~~
0033 ADOPTED by the county executive ~~by~~ UNDER Method (3) ~~presented to~~ OF
0034 Section 2A-14(e)(3) 15 of this ~~code~~ CODE, such fee to cover the cost
0035 of advertising in the newspaper and providing a transcript of the testimony

0001 at the hearing. No fee shall be refunded.

0002 Sec. 8. Sections 5-4, 5-7(a), 5-21, 5-43, 5-44, 5-45(b), 5-59(a), 5-67
0003 and 5-69 of Chapter 5, title "Animal Control" be and hereby are amended to
0004 read as follows:

0005 5-4. [Promulgation] ADOPTION of additional regulations.

0006 The county executive is hereby authorized to adopt ~~and promulgate~~
0007 [written] regulations ~~by~~ UNDER Method (2), [pursuant to [the
0008 procedures prescribed by law] OF Section 2A-144(2) 15 of this code
0009 CODE, necessary for the implementation of any of the provisions of this
0010 chapter, including fees necessary for the administration of the chapter.

0011 5-7. Spaying, neutering and altering clinics.

0012 (a) The county executive shall establish a clinic or clinics to be
0013 operated either by the county or under contract, at which residents may have
0014 dogs or cats spayed, neutered or altered in a humane manner by a licensed
0015 veterinarian upon the payment of a fee to be determined by the county
0016 executive by executive regulation promulgated by ADOPTED UNDER Method
0017 2/pursuant to (3) OF Section 2A-144(2) 15 of this code CODE. Such
0018 fee may, in the discretion of the county executive, be either uniform or
0019 graduated based on ability to pay. In cases of demonstrated inability to
0020 pay the required fee, the animal of such owner may be spayed, neutered or
0021 altered without charge. In addition, the county executive may, in the
0022 executive's discretion, contract for such services to be performed by
0023 licensed veterinarians at their own places of business.

0024

0025 5-21. Same - Redemption and disposition generally.

0026 (a) The owner of any animal impounded for running at large or any
0027 vicious or dangerous animal impounded as hereinabove provided shall be
0028 entitled to redeem such animal upon payment of redemption fees established
0029 by written regulations of the county executive, ~~by~~ ADOPTED UNDER Method
0030 (3) pursuant to OF Section 2A-144(2) 15 of this code CODE, and
0031 proof of ownership; provided, that the licensing provisions of this chapter
0032 have been complied with.

0033 (b) No animal impounded due to a violation of any section of this
0034 chapter, which has been previously impounded for a violation of any section
0035 of this chapter during the preceding twelve months shall be released until a

0001 notice of violation of the applicable section has been issued to the owner
0002 of such animal.

0003 (c) Any domesticated animal which is impounded and not redeemed by its
0004 owner within five days following notice of impoundment shall be deemed
0005 abandoned and shall become the property of the county and may be adopted
0006 pursuant to section 5-22 of this chapter or otherwise disposed of in a
0007 humane manner which shall take into account the advice of a licensed
0008 veterinarian, in accordance with procedures prescribed by the county
0009 executive by written regulation ~~promulgated by~~ ADOPTED UNDER Method
0010 ~~(1)~~ (3) ~~promulgated to~~ OF Section 2A-141(c)(2) 15 of this ~~code~~ CODE,
0011 such procedures to be examined periodically by a licensed veterinarian to
0012 assure that they are being carried out in a humane manner.

0013 5-43. Maintenance of vaccination clinics.

0014 The health officer shall maintain at least annually vaccination clinics
0015 convenient locations in the county for such periods as he shall deem
0016 necessary and all dogs may be vaccinated at such clinics during such
0017 periods. The county executive may, by written regulation ~~promulgated by~~
0018 ADOPTED UNDER Method (3) ~~promulgated to~~ OF Section 2A-141(c)(3) 15 of this
0019 ~~code~~ CODE, establish a fee for vaccinations to be collected in lieu of a
0020 license fee not to exceed the costs of administration.

0021 5-44. Issuance of New Vaccination Certificate to Replace Lost or Destroyed
0022 Certificate.

0023 The health officer or veterinarian who administered the vaccination
0024 shall issue a new vaccination certificate to replace a lost or destroyed
0025 certificate upon satisfactory evidence showing that the dog or cat was
0026 vaccinated pursuant to the provisions of this Article. The county executive
0027 may, by written regulation ~~promulgated by~~ ADOPTED UNDER Method (3)
0028 ~~promulgated to~~ OF Section 2A-141(c)(3) 15 of this ~~code~~ CODE, establish
0029 a fee for replacement of lost or destroyed vaccination certificates, not to
0030 exceed the costs of replacement.

0031 5-45. Vaccination Required.

0032 * * *

0033 (b) No person licensed pursuant to Article VII of this Chapter may sell
0034 a dog or cat four months of age or less, unless a deposit is received for
0035 the purpose of ensuring that the dog or cat will be vaccinated against

0001 rabies. The amount of the deposit shall be \$10.00 or such other amount, not
 0002 to exceed \$50.00, as is specified by executive regulations ~~promulgated/by~~
 0003 ADOPTED ~~by the county executive by~~ UNDER Method (3) OF ~~promulgated/to~~
 0004 Section 2A-14(d)(3) 15 of this ~~code~~ CODE. The county executive is
 0005 authorized and directed to [promulgate] ADOPT regulations, UNDER METHOD (3)
 0006 OF ~~promulgated/to~~ Section 2A-14(d)(3) 15 of this ~~code~~ CODE specifying
 0007 procedures for the collection, handling and use of the deposits.
 0008 5-59. Required; issuance; duration.

0009 (a) It shall be unlawful for any person to own or harbor a dog over the
 0010 age of four months unless such dog is licensed as provided by this article.
 0011 Every person owning or harboring a dog within the county shall on or before
 0012 July 1 of each year or within ten days of acquiring any dog over four months
 0013 of age or within ten days after any such dog becomes four months of age
 0014 obtain an annual license for each dog so owned or harbored, except dogs kept
 0015 under a commercial kennel or fanciers' kennel license as provided in this
 0016 chapter. The fee for all such individual dog licenses shall be established
 0017 by the county executive by written regulation ~~promulgated/by~~ ADOPTED
 0018 UNDER Method (3) ~~promulgated/to~~ OF Section 2A-14(d)(3) 15 of this ~~code~~
 0019 CODE; provided, that no fee shall be charged for the licensing of any dog
 0020 trained to aid the blind and actually in use for such purpose; and provided
 0021 further, that the county executive shall establish a differential license
 0022 fee for spayed and unspayed female dogs as a means to encourage owners to
 0023 have their animals spayed. When applications is made between January 1 and
 0024 May 1 and the dog was not subject to licensing before that date, the license
 0025 fee shall be one-half the specified amount. The county executive may, by
 0026 written regulation, ~~promulgated/by~~ ADOPTED UNDER Method (3) ~~promulgated~~
 0027 ~~to~~ OF Section 2A-14(d)(3) 15 of this ~~code~~ CODE, increase or
 0028 diminish any fees to an amount not to exceed the costs of administering and
 0029 enforcing this chapter.

0030 * * *

0031 5-67. Required; fee; issuance.

0032 (a) It shall be unlawful for any person, association or corporation to
 0033 operate, establish or maintain a pet shop either independently or as part of
 0034 another commercial enterprise without first obtaining an annual license
 0035 therefore from the department. The license fee for pet shops shall be fixed

0001 by ~~executive regulation promulgated by~~ ADOPTED UNDER Method (3)
 0002 ~~presented to~~ OF Section 2A-14(c)(3) 15 of this ~~code~~ CODE by the
 0003 county executive who may from time to time increase or diminish such fee to
 0004 an amount not to exceed the cost of administering this article. Dogs
 0005 harbored by a licensed pet shop for breeding purposes or sale may be taken
 0006 under close supervision from the pet shop for exercise and returned to the
 0007 pet shop in like manner but no dog harbored at a licensed pet shop may
 0008 otherwise be permitted to leave the establishment without wearing an
 0009 individual dog license tag if such a license is required under the
 0010 provisions of this chapter.

0011 (b) It shall be unlawful for any person, association or corporation to
 0012 operate, establish or maintain a commercial kennel without first obtaining
 0013 an annual license therefor from the department. The license fee for
 0014 commercial kennels owning or keeping not more than twenty-five animals shall
 0015 be twenty-five dollars and for commercial kennels owning or keeping more
 0016 than twenty-five animals, the license fee shall be fifty dollars; provided,
 0017 that the county executive may from time to time ~~promulgate~~ ADOPT
 0018 ~~executive regulations by~~ UNDER Method (3) ~~presented to~~ OF Section
 0019 ~~2A-14(c)(3) 2A-15~~ of this ~~code~~ CODE to increase or diminish such fees
 0020 to an amount not to exceed the cost of administering and enforcing this
 0021 article. Dogs harbored by a licensed commercial kennel for breeding
 0022 purposes or sale may be taken under close supervision from the commercial
 0023 kennel for exercise and returned to the commercial kennel in like manner but
 0024 no dog harbored at a licensed commercial kennel may otherwise be permitted
 0025 to leave the establishment without wearing an individual dog license tag if
 0026 such a license is required under the provisions of this chapter.

0027 * * *

0028 (d) It shall be unlawful for any person, association or corporation to
 0029 establish, operate or maintain a riding school or stable without first
 0030 obtaining an annual license therefor from the department. The license fees
 0031 for riding schools and stables shall be fixed by the county executive, by
 0032 ~~executive regulation promulgated by~~ ADOPTED UNDER Method (3) ~~presented~~
 0033 ~~to~~ OF Section 2A-14(c)(3) 15 of this ~~code~~ CODE, who may from time
 0034 to time increase or diminish such to an amount not to exceed the cost of
 0035 administering this article.

0001

0002 5-69. Renewal; notification.

0003 The holder of any expiring license under this article desiring a new
 0004 annual license to be effective on the expiration of the existing license
 0005 shall, not less than thirty nor more than sixty days before the expiration
 0006 of the existing license, file a written application for renewal with the
 0007 director giving such information as is required on the form provided
 0008 therefor and pay the annual renewal fee in such amount as may be fixed from
 0009 time to time by executive regulation adopted by ~~Method 3~~ by the county
 0010 executive ~~provided to~~ UNDER METHOD (3) OF Section 2A-14(1)(2) 15 of
 0011 this Code CODE. Licensees shall be notified by the director at least
 0012 sixty days prior to the expiration of a license.

0013 Sec. 9. Section 5A-4(d) of Chapter 5A, title "Arts" be and hereby is
 0014 amended to read as follows:

0015 5A-4. Same - Membership and organization.

0016 (d) The arts council should establish [rules and] regulations ADOPTED
 0017 UNDER METHOD (2) OF SECTION 2A-15 OF THIS CODE concerning its operation and
 0018 functions; elections and/or appointments and terms of office of its
 0019 governing body and officers; conduct of its meetings and administrative
 0020 procedures relating to its activities.

0021 Sec. 10. Sections 8-13, 8-33, 8-34, 8-35 and 8-36 of Chapter 8, title
 0022 "Buildings" be and hereby are amended to read as follows:

0023 8-13. Rules and regulations.

0024 (a) The director may recommend written [rules and] regulations for the
 0025 administration of the provisions of this chapter including a schedule of
 0026 fees and may, at his discretion, hold public hearings as part of this
 0027 rule-making process. Such [rules and] regulations and amendments thereto
 0028 shall not conflict with nor waive any provisions of this chapter nor be less
 0029 restrictive than its provisions and shall [become effective upon their
 0030 adoption] ~~be promulgated~~ ADOPTED by the county executive ~~by~~
 0031 Method (2) [in accordance with procedures set forth in section 2-105]
 0032 ~~provided to~~ OF Section 2A-14(1)(2) 15 of this Code. In the case of
 0033 fees, the county executive shall promptly forward to the county council a
 0034 copy of the new fee schedule for use in budgetary planning activities. Such
 0035 fees shall be in accordance with formulas based upon criteria to include

0001 area or estimates cost of construction or a minimal set fee per category,
0002 not to exceed the cost of administering and enforcing this Code.

0003 (b) [(1)] The director shall hold public hearings, upon adequate public
0004 notice, prior to forwarding his or her recommendations for [rules and]
0005 regulations setting forth the standards and requirements for the
0006 construction, alteration, addition, repair, removal, demolition, use,
0007 location, occupancy and maintenance of all buildings and structures, on-site
0008 access facilities to such buildings and structures and their service
0009 equipment within the county. Such regulations, ADOPTED UNDER METHOD (2) OF
0010 SECTION 2A-15 OF THIS CODE, shall be based upon a designated edition of the
0011 BOCA Basic Building Code and local amendments thereto.

0012 [(11) Such rules and regulations and amendments thereto shall become
0013 effective upon their adoption by the county executive in accordance with the
0014 procedures set forth in section 2-105, as amended, and upon their approval
0015 by resolution of the county council.]

0016 (c) Those provisions of chapter 8 regulating standards and requirements
0017 described in subsection (b) herein repealed by this Act, shall continue in
0018 force and effect until they are superseded by regulations adopted and
0019 approved in accordance with subsection (b).

0020 8-33. Application; fee; qualifications.

0021 The director shall maintain a register for the board of all applicants
0022 for business and all licenses, in such form as the board shall require.

0023 Any person desiring to be licensed as a building contractor in the
0024 county shall make and file with the director a written application on a form
0025 approved by the Board. Each application shall be accompanied by an
0026 application fee which shall be established by the county executive by
0027 written regulation ~~promulgated by~~ ADOPTED UNDER Method (3) ~~promulgated~~
0028 [to [the procedure set forth in section 8-13 of this chapter] OF Section
0029 2A-14(1)(3) 15 of this ~~code~~ CODE. The applicant shall furnish
0030 information as to his character references and financial responsibility, his
0031 experience or training and education or the experience and training and
0032 education of his associates, construction superintendent or other principal
0033 employees in the building trade as the board shall require. Before the
0034 issuance of a license the director shall ascertain from reliable sources the
0035 applicant's record of compliance with the laws of the state and the county.

0001 The board may request further information from the director or other
0002 sources, make independent investigations and conduct examination of the
0003 applicant, at its discretion. On the basis of the foregoing, it shall be
0004 the board's duty, within thirty days after submission of an application for
0005 a license, unless the time is extended for good cause, to certify to the
0006 director whether the applicant and his organization are qualified to comply
0007 with the building code and laws of the county and state, and to perform
0008 fully his building contracts, and whether he should be licensed and then to
0009 notify the applicant. In no case shall denial of certification be
0010 unreasonable and a denial shall be in writing stating the reason and shall
0011 be personally served or mailed by certified mail to the address on the
0012 application. Any denial may be appealed to the County Board of Appeals by
0013 filing notice of appeal with the Clerk of the Board of Appeals not later
0014 than ten days after such notice is personally served or mailed.

0015 8-34. Issuance; bond required; fee.

0016 The director shall issue a license to applicants qualified to be
0017 licensed upon payment of a license fee which shall be established by the
0018 county executive by written regulation ~~promulgated by~~ ADOPTED UNDER
0019 Method (3) pursuant [to ~~the~~ the procedure set forth in section 8-13 of
0020 this chapter] OF Section 2A-1441.15 of this ~~code~~ CODE, and deliver
0021 to the county of a cash bond or a corporate bond executed by a surety
0022 company qualified to transact business in the state in the amount of two
0023 thousand dollars. The cash or corporate bond shall run to the county and
0024 shall be conditioned upon the licensee performing all work done by him in
0025 the county in accordance with the building code and laws of the county and
0026 state. The county or any person damaged by failure of the licensee to
0027 comply with such code and laws may proceed against such bond in any court of
0028 competent jurisdiction.

0029 This bonding provision may be satisfied if the applicant has obtained a
0030 bond in at least the amount of two thousand dollars in connection with an
0031 organized program approved by the board, which program provides procedures
0032 for the processing and resolution of complaints against such building
0033 contractor and thus affords substantially the same bonding protection to the
0034 public as the bond required by this chapter.

0035 The director shall immediately revoke the license upon failure of any

0001 licensee to maintain such bond.

0002 8-35. Term of licenses; renewals.

0003 Licenses issued under this article shall be valid for one year from the
0004 date of issuance and may be renewed upon application to the director.

0005 Applicants for renewal shall pay to the county at the time of filing such
0006 application a fee which shall be established by the county executive by
0007 written regulation ~~promulgated by~~ ADOPTED UNDER Method (3) ~~present~~ [to
0008 [the procedure set forth in section 8-13 of this chapter] OF Section
0009 ~~2A-14(d)(3)~~ 2A-15 of this ~~code~~ CODE.

0010 8-36. Display; duplicates.

0011 Holders of licenses issued under this article shall display the same in
0012 a prominent place at their place of business and upon demand shall give the
0013 number of the license to any person who shall demand the same. If any
0014 license is lost, defaced or destroyed, the licensee may obtain a duplicate
0015 upon application to the director and payment of a fee which shall be
0016 established by the county executive by written regulation ~~promulgated by~~
0017 ADOPTED UNDER Method (3) ~~present~~ [to [the procedure set forth in
0018 section 8-13 of this chapter] OF Section ~~2A-14(d)(3)~~ 15 of this ~~code~~
0019 CODE.

0020 Sec. 11. Sections 8A-11(e), 8A-13(b), 8A-18(f) and 8A-21(h) of Chapter
0021 8A, title "Cable Communications" be and hereby are amended to read as
0022 follows:

0023 8A-11. Operations; minimum channel capacity; access channels; production
0024 facilities; charges; privacy.

0025 * * *

0026 (e) Further conditions for utilization of educational, general public
0027 and county government access shall be determined by subsequent local
0028 legislation or by executive regulation ~~promulgated~~ ADOPTED by the county
0029 executive ~~by~~ UNDER Method (1) ~~present~~ ~~to~~ OF Section ~~2A-14(d)(1)~~ 15
0030 of this ~~code~~ CODE. Subject to the franchise agreement, where such
0031 legislation or regulations cause an increase in a franchisee's costs, the
0032 county shall negotiate compensation to it therefor.

0033 8A-13. OPERATIONAL REQUIREMENTS; TESTS.

0034 * * *

0035 (B) TESTS. IN ADDITION TO ALL PERFORMANCE TESTS REQUIRED TO BE

0001 CONDUCTED BY THE FCC, THE COUNTY MAY REQUIRE ADDITIONAL TESTS FROM TIME TO
 0002 TIME AS REQUIRED TO DETERMINE COMPLIANCE WITH TECHNICAL PERFORMANCE
 0003 STANDARDS. THE COUNTY MAY REQUIRE FULL OR PARTIAL REPEAT TESTS, DIFFERENT
 0004 TEST PROCEDURES, OR TESTS INVOLVING A SPECIFIC SUBSCRIBER'S TERMINAL.
 0005 REQUESTS FOR SUCH ADDITIONAL TESTS WILL BE MADE ON THE BASIS OF COMPLAINTS
 0006 RECEIVED OR OTHER EVIDENCE INDICATING AN UNRESOLVED CONTROVERSY OR
 0007 SIGNIFICANT NONCOMPLIANCE, AND SUCH TESTS WILL BE LIMITED TO THE PARTICULAR
 0008 MATTER IN CONTROVERSY. THE COUNTY WILL ENDEAVOR TO SO ARRANGE ITS REQUESTS
 0009 FOR SUCH SPECIAL TESTS AS TO MINIMIZE HARDSHIP OR INCONVENIENCE TO THE
 0010 FRANCHISEE OR THE SUBSCRIBERS. THE COUNTY SHALL PROVIDE FOR SUCH STANDARDS,
 0011 TESTS AND PROCEDURES AS SET FORTH IN THE FRANCHISE AGREEMENT AND/OR BY
 0012 EXECUTIVE REGULATION ADOPTED BY THE COUNTY EXECUTIVE UNDER METHOD (2) OF
 0013 SECTION 2A-15 OF THIS CODE AND AFTER NOTICE TO FRANCHISEES [AND PUBLIC AND
 0014 OPPORTUNITY FOR OBJECTIONS AND COMMENT].

0015 8A-18. Administration.

0016 (a) The Montgomery County Executive or his designee shall have the
 0017 responsibility for the administration and enforcement of this law and any
 0018 franchise agreement. He shall have the following duties, powers and
 0019 authority which he may delegate at his discretion:

0020 (6)

* * *

0021 [(f)] (G) To [promulgate ~~by Method 1~~ rules and] ADOPT regulations,
 0022 [subject to approval of the county council by resolution] ~~by Method 1~~
 0023 UNDER METHOD (1) OF Section 2A-14(1) 15 of this ~~code~~ CODE, for the
 0024 implementation of the intent of this chapter [pursuant to the Montgomery
 0025 County Code, 1972 (1977 Repl. Vol.) Ch. 2-105].

0026 8A-21. Lobby disclosure and conflict of interest.

* * *

0027 (h) Reports.

0028 (1) Each lobbyist required to register under this section shall
 0029 file a quarterly report itemizing compensation received and expenses
 0030 incurred while retained as a lobbyist.

0031 (2) Each applicant shall file a quarterly report, itemizing all
 0032 expenses incurred for the purpose of lobbying and public relations for the
 0033 county franchise. Expenses reported under section (h)(1) do not have to be
 0034 reported by the applicant.
 0035

0001 (3) All reports shall be on forms specified by the county attorney,
 0002 and shall be filed at such time and in such detail as specified in
 0003 regulations which shall be [promulgated] ADOPTED by the county executive
 0004 ~~by~~ UNDER Method 2 (1) ~~promulgated~~ OF Section 2A-14(c)(2) 15 of
 0005 this ~~code~~ CODE. The period to be covered by such reports shall begin on
 0006 the effective date of this law and shall terminate six months following the
 0007 date the franchise is awarded.

0008 Sec. 12. Sections 10-3 and 10-11 of Chapter 10, title "Child Care" be
 0009 and hereby are amended to read as follows:

0010 10-3. Regulations and Administration of Chapter.

0011 The county executive, after holding a public hearing, is authorized to
 0012 [promulgate] ADOPT executive regulations ~~by Method 2~~ [, in the manner
 0013 provided by [law] ~~promulgated~~ UNDER METHOD (2) OF Section 2A-
 0014 ~~2A-14(c)(2)~~ 15 of this ~~code~~ CODE, for the implementation of this
 0015 chapter, including the establishment of health and welfare standards for
 0016 group day care centers. This chapter shall be administered by the director
 0017 of the Department of Health acting under the supervision of the county
 0018 executive.

0019 10-11. License fee.

0020 The fees for licenses issued under this article shall be paid to the
 0021 director and shall be of such an amount as the county executive by
 0022 regulation, ~~promulgated by~~ ADOPTED UNDER Method 2 (3) ~~promulgated~~
 0023 OF Section 2A-14(c)(2) 15 of this ~~code~~ CODE, may set from time to
 0024 time. The fees shall not exceed the cost of inspection and issuing the
 0025 permits for the various establishments regulated by this chapter. The
 0026 permit fee so fixed shall be submitted with the application and is not
 0027 refundable in whole or in part unless the application is withdrawn prior to
 0028 the inspection of the premises by the director or authorized agent of the
 0029 director. If the application is withdrawn prior to the inspection, the
 0030 entire permit fee shall be refunded.

0031 Sec. 13. Section 11-2(k) of Chapter 11, title "Consumer Protection" be
 0032 and hereby is repealed and reenacted with amendments to read as follows:

0033 11-2. Office of consumer affairs.

0034 There is hereby created the Montgomery County Office of Consumer
 0035 Affairs, hereinafter referred to as "office." The county executive shall

0001 appoint a single officer to be known as the executive director of the office
0002 of consumer affairs, subject to the confirmation of the county council. The
0003 office shall have the following duties, powers and authority:

0004 * * *

0005 (k) To [prepare and publish] ~~promulgate~~ rules and] ADOPT
0006 regulations ~~by~~ UNDER Method (2)(3) ~~pursuant to~~ OF Section
0007 2A-14(e)(2)2A-15 of this ~~code~~ CODE, for the conduct of the activities
0008 of that office.

0009 Sec. 14. Sections 11A-3(b)(2), 11A-5(e), 11A-7(c), 11A-9 and 11A-13 of
0010 Chapter 11A, title "Condominiums" be and hereby are amended to read as
0011 follows:

0012 11A-3. Right of first refusal to purchase rental facilities.

0013 * * *

0014 (b) Notice required; exercise of right of first refusal.

0015 * * *

0016 (2) The county executive may require the owner, by executive
0017 regulations ~~promulgated by~~ ADOPTED UNDER Method (2)(3) ~~pursuant to~~
0018 OF Section 2A-14(e)(2)15 of this ~~code~~ CODE to make available to the
0019 county and its designated housing agency information regarding the
0020 characteristics and condition of the facility deemed relevant to the
0021 exercise of the right of first refusal, including but not limited to
0022 architectural and engineering plans and specifications and facility
0023 operating data. In addition, the county executive by regulation
0024 ~~promulgated by~~ ADOPTED UNDER Method (2)(3) ~~pursuant to~~ OF Section
0025 2A-14(e)(2)15 of this ~~code~~ CODE may require the owner to provide
0026 access to the facility for purposes of inspection by the county or its
0027 designated housing agency provided, the county, its designated housing
0028 agency, and their agents shall be responsible for any damage to the property
0029 caused by such inspection. The county executive may provide by regulation
0030 that any information received by either the county or its designated housing
0031 agency, pursuant to this subsection, is confidential and not subject to
0032 public disclosure.

0033 11A-5. Extended leases.

0034 * * *

0035 (e) The county executive, by executive regulations ~~promulgated by~~

0001 ADOPTED UNDER Method ~~21~~(3) ~~presented to~~ OF Section 2A-14(1)(2) 15
0002 of this ~~code~~ CODE, may provide for implementation of this section,
0003 including promulgation and enforcement of recordation requirements for
0004 owners of condominium units subject to life tenancies under this section and
0005 prohibitions against changes of business or leasing practices to circumvent
0006 the giving of extended tenancies under this section.

0007 11A-7. Consumer guide.

* * *

0009 (c) The consumer guide shall be sufficient if it contains the following:

- 0010 (1) Plat.
- 0011 (2) Sample deed.
- 0012 (3) Estimated itemized closing costs.
- 0013 (4) Estimated itemized monthly housing costs, including principal,
- 0014 interest, taxes, condominium fee and utilities.
- 0015 (5) Statement of all warranties, including statutory implied
- 0016 warranties.
- 0017 (6) Name(s) of institutions offering long-term financing and terms,
- 0018 if the developer has obtained a commitment.

0019 (7) Other information, as required by executive regulations
0020 ~~provided~~ ADOPTED by the county executive ~~by~~ UNDER Method ~~21~~(3)
0021 ~~presented to~~ OF Section 2A-14(1)(2)15 of this ~~code~~ CODE, to promote
0022 full and fair disclosure of the details of the transaction, the nature of
0023 condominium ownership and the characteristics of the particular condominium
0024 facility.

0025 11A-9. Budgeted reserves.

0026 ~~that the case of a~~ ~~contractor~~, ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~
0027 ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~
0028 ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~
0029 ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~
0030 ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~
0031 ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~
0032 ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~
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0034 ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~ ~~contractor~~

0035 DURING THE PERIOD WHEN THE DEVELOPER RETAINS CONTROL OF THE COUNCIL OF



0001 UNIT OWNERS, THE DEVELOPER OF A CONDOMINIUM SHALL BUDGET AND CONTRIBUTE
 0002 ANNUALLY TO RESERVES. THE CONTRIBUTION OF THE DEVELOPER SHALL BE IN
 0003 PROPORTION TO THE NUMBER OF CONDOMINIUM UNITS OWNED BY THE DEVELOPER, BUT IN
 0004 NO EVENT SHALL THE TOTAL ANNUAL CONTRIBUTIONS OF ALL UNIT OWNERS, INCLUDING
 0005 THE DEVELOPER, BE LESS THAN AN AMOUNT CALCULATED TO MAINTAIN THE RESERVE
 0006 FUND AT A LEVEL ADEQUATE FOR DEFERRED MAINTENANCE, REPAIRS AND REPLACEMENT
 0007 OF THOSE COMMON ELEMENTS OR MAJOR COMPONENTS OF COMMON ELEMENTS THAT MUST BE
 0008 REPLACED ON A PERIODIC BASIS.

0009 THE COUNTY EXECUTIVE SHALL BY EXECUTIVE REGULATION [PROMULGATE RULES
 0010 AND] ADOPT REGULATIONS UNDER METHOD (3) OF SECTION 2A-15 OF THIS CODE
 0011 DETAILING REQUIREMENTS OF THE BUDGETED RESERVES TO BE INCORPORATED IN THE
 0012 CONSUMER GUIDE.

0013 11A-13. Administration of chapter.

0014 The Office of Consumer Affairs shall be responsible for administration
 0015 of ~~promulgated by the county executive by Method 2 pursuant to Section~~
 0016 ~~2A-14(e)(2) of this code~~, this chapter; and the county executive shall,
 0017 from time to time, [issue such] ~~promulgated by~~ ADOPT UNDER Method (2)
 0018 ~~pursuant to~~ OF Section 2A-14(e)(2)15 of this code CODE, written
 0019 regulations [as may be] necessary to put into effect and to administer the
 0020 provisions of this chapter.

0021 Sec. 15. Sections 11B-18, 11B-20, 11B-23C, 11B-25, 11B-26(a), 11B-27
 0022 and 11B-39 of Chapter 11B, title "Contracts, procurement matters and public
 0023 ethics" be and hereby are amended to read as follows:

0024 11B-18. General review requirements.

0025 (a) The [chief administrative] county executive shall establish, by
 0026 written regulation ~~promulgated by~~ ADOPTED UNDER Method (1) pursuant to
 0027 OF Section 2A-14(e)(1)15 of this code CODE, the general requirements
 0028 and procedures for review of professional service contracts within county
 0029 government.

0030 (b) Included among the requirements and procedures to be established by
 0031 the [chief administrative officer] county executive shall be the following:

0032 (1) Procedures for review by the contract review committee of all
 0033 professional service contracts and contract modifications in excess of ten
 0034 thousand dollars and such other contracts and contract modifications as
 0035 deemed appropriate.

0001 (2) Procedures for coordination with and concurrence by concerned
0002 departments, offices and agencies.

0003 (3) Procedures for review of contract modifications where these
0004 will affect the scope of the original contract or where they will result in
0005 an increase in expenditures above a specified amount.

0006 (4) Procedures for departmental contractor qualification and
0007 selection committees to review, evaluate and recommend contractors for
0008 professional service contracts in excess of ten thousand dollars or such
0009 other contracts as deemed appropriate.

0010 (5) Such other factors as the [chief administrative officer] county
0011 executive deems appropriate to carry out the purpose and intent of this
0012 chapter, including a prohibition on dividing contracts in order to avoid the
0013 contract review process.

0014 (c) Agreements between the office of architectural services and the
0015 defense civil preparedness agency for professional architectural advisory
0016 services, to be furnished in kind and at no cost to the county, for the
0017 application of building design concepts to protect against the hazards of
0018 natural, man-made and nuclear disasters, are not subject to these procedures.
0019 11B-20. Public announcement process.

0020 (a) Procurement of professional services shall be announced in a manner
0021 consistent with written regulations [established by the chief administrative
0022 officer] ~~provided~~ ADOPTED by the county executive by UNDER Method
0023 (1) OF Section 2A-14(e)(1) 15 of this Code CODE, or by
0024 resolution of the county council, as appropriate.

0025 (b) The public announcement will also be mailed to those potential
0026 contractors who have been previously qualified and to local and state
0027 professional organizations or societies for dissemination to their members.
0028 11B-23C. Procedures.

0029 The chief administrative officer shall structure the county's procedures
0030 for purchasing materials, supplies, equipment, and services, including
0031 construction services, to attempt to achieve, as a result, that a minimum of
0032 10% of the total dollar value of such purchases are made directly or
0033 indirectly from minority businesses. These procedures may include
0034 provisions for a minority preference in competitive bidding requirements for
0035 contracts between seven thousand dollars (as adjusted by the county

0001 executive) and five hundred thousand dollars to allow for selection of a
 0002 minority bidder other than the lowest responsible bidder, provided the cost
 0003 does not exceed an amount determined by the executive in his discretion, and
 0004 specified in the invitation for bids, up to 120% of the lowest responsible
 0005 bid, and provided further that the invitation for bids for any contract
 0006 where a minority preference is to be used shall state the intention to
 0007 utilize minority preference procedures.

0008 11B-25. Establishment of [rules and] regulations [by chief administrative
 0009 officer].

0010 (a) The [chief administrative officer shall, subject to the direction of
 0011 the] county executive[, establish, amend when necessary and enforce] shall
 0012 ~~promulgate/by~~ ADOPT UNDER Method 2(1) to OF Section
 0013 2A-1A(1)(2)15 of this ~~code~~ CODE, such [rules and] regulations as shall
 0014 be necessary to promote efficiency of operations and compliance with the
 0015 provisions of this chapter.

0016 11B-26. Contract review committee; establishment; composition.

0017 (a) The [chief administrative officer] county executive shall
 0018 establish, by written regulation ~~promulgated/by~~ ADOPTED UNDER Method
 0019 2(1) promulgated/to OF Section 2A-1A(1)(2)15 of this ~~code~~ CODE, a
 0020 contract review committee for the purpose of review and evaluation of the
 0021 selection of contractors for professional services and such other
 0022 responsibilities as specified elsewhere in this chapter, or as may be
 0023 assigned. The regulations shall provide for expeditious review and
 0024 evaluation including specific periods of time for such review and
 0025 evaluation. In addition, the committee shall review all contracts where the
 0026 award is to other than the lowest bidder when formal competitive bidding
 0027 procedures are used.

0028 11B-27. Departmental responsibilities.

0029 (a) The [chief administrative officer] county executive shall establish
 0030 by written regulation ~~promulgated/by~~ ADOPTED UNDER Method (2)(1)
 0031 ~~promulgated/to~~ OF Section 2A-1A(1)(2)15 of this ~~code~~ CODE, the
 0032 responsibilities of and the procedures to be followed by the various
 0033 departments, offices and agencies of county government engaged in
 0034 contracting and procurement matters.

0035 (b) Included among the responsibilities and procedures to be

0001 established by the [chief administrative officer] county executive shall be:

0002 (1) Development of request for and evaluation of contractual
0003 proposals

0004 (2) Development of necessary plans and specifications.

0005 (3) Procedures for coordination with and concurrence by concerned
0006 departments, offices and agencies.

0007 (4) Fiscal and administrative controls.

0008 (5) Legal review.

0009 (6) Announcement of bids, proposals and contracts in a uniform and
0010 consistent manner.

0011 (7) Such other factors as the [chief administrative officer] county
0012 executive deems appropriate to carry out the purpose and intent of this
0013 chapter.

0014 11B-39. Rules and regulations.

0015 The contract review committee may [~~adopt~~] ~~promulgate~~ [rules
0016 and] regulations ~~by~~ UNDER Method ~~(1)~~, ~~in the statute/decisions/in~~
0017 OF Section ~~2A-14(c)(2)~~15 of this ~~code~~ CODE, which provide to the
0018 fullest extent informal, expeditious and fair resolutions of claims and
0019 appeals.

0020 Sec. 16. Sections 13-1 and 13-7 of Chapter 13, title "Detention Centers
0021 and Rehabilitation Facilities" be and hereby are amended to read as follows:

0022 13-1. Powers and duties general of director of department of correction and
0023 rehabilitation.

0024 (a) The director of the department of correct and rehabilitation,
0025 thereafter in this chapter referred to as the director, shall recommend to
0026 the county executive who may [promulgate,] ~~by~~ ADOPT UNDER Method (2)
0027 ~~promulgate/in~~ OF Section ~~2A-14(c)(2)~~15 of this ~~code~~ CODE, all [rules
0028 and] regulations of the county which pertain to the administration and
0029 operation of the department of correction and rehabilitation, not
0030 inconsistent with law, necessary to exercise the responsibilities and duties
0031 of the position.

0032 * * *

0034 13-7. Same - Same - Payment for work and program participation.

0035 The director of finance is authorized to pay each inmate who is assigned

0001 to work at an essential job or to participate in a program specified by the
 0002 director at the rate of one dollar per day, or such higher rate as may be
 0003 [determined by the director] established in executive regulations
 0004 ~~promulgated~~ ADOPTED by the county executive ~~by~~ UNDER Method ~~(1)~~(3)
 0005 ~~promulgated~~ OF Section ~~21A-1A(1)(2)~~2A-15 of this ~~code~~ CODE, for
 0006 the actual days worked or for the actual days of successful participation in
 0007 a program. The director or designee will maintain a list of essential
 0008 inmate work positions and will specify the programs for which inmates will
 0009 be paid. Such payment shall not be made for required housekeeping duties
 0010 performed within an inmate's quarters or confinement area.

0011 Sec. 17. Section 13A-4 and 13A-5 of Chapter 13A, title "Development
 0012 Rights Fund" be and hereby are amended to read as follows:

0013 13A-4. Authority of the board.

0014 The board of directors is hereby empowered to commit and authorize
 0015 expenditure of all, or a portion, of the funds made available to it: (1) to
 0016 establish a reserve fund to guarantee in whole, or in part, loans made by
 0017 commercial lending institutions insofar as such loans are secured by
 0018 development rights, and (2) to purchase and sell development rights
 0019 easements. It shall be the policy of the board to facilitate the
 0020 establishment of a private market for development rights and to serve as a
 0021 financial resource available when private commercial resources are not
 0022 readily available at prevailing market rates. The board shall, after
 0023 consulting with the Agricultural Preservation Advisory Board and after
 0024 holding a public hearing, propose [rules and] regulations to govern its
 0025 operations. The[se] rules [shall become effective upon their
 0026 promulgation] ~~and regulations for the board shall be promulgated by~~
 0027 ADOPTED UNDER Method ~~(2)~~ ~~promulgated~~ OF Section ~~2A-1A(1)(2)~~15 of this
 0028 ~~code~~ CODE by the county executive [and approval by the county council].]

0029 The [rules and] regulations shall set forth eligibility requirements for loa
 0030 n guarantees and for sellers to and buyers from the fund of development rights
 0031 . In addition to other requirements, the [rules and] regulations shall provid
 0032 e that:

0033 (a) The first priority for the use of its funds shall be to guarantee
 0034 loans;

0035 (b) Loan guarantees may not exceed 75% of the value of development

0001 rights. The board may charge a fee for the loan guarantee;

0002 (c) No loan guarantee may exceed five years, however, a single one year
0003 extension may be granted for good cause;

0004 (d) Development rights which are purchased by the fund must be sold
0005 prior to the termination of the fund as provided in section 13A-7 herein;

0006 (e) The board shall require evidence from the applicant that he has
0007 been unable to obtain a commercial loan using development rights as
0008 collateral before a loan guarantee may be approved. This requirement shall
0009 not apply to loan guarantees for existing loans;

0010 (f) Development rights may be sold by the board by any legally
0011 permissible means, including auction;

0012 (g) The board must determine the value of development rights for any
0013 negotiated purchase by obtaining two independent appraisals or some other
0014 reasonable means;

0015 (h) Prior to purchasing development rights from an applicant, the board
0016 shall require evidence from the applicant that he has been unable to sell
0017 development rights in the private market.

0018 The board shall be under no duty to act even if all requirements have
0019 been satisfied but may exercise its discretion and best judgment to fulfill
0020 the purpose of this chapter. The board shall report semi-annually to the
0021 county executive and the county council on its financial activities.

0022 13A-5. Eligibility requirements.

0023 Before the fund can purchase development rights or make loan guarantees
0024 using development rights as collateral, it must be established to the
0025 satisfaction of the board that the land to which the development rights
0026 attach is located within the rural density transfer zone. This eligibility
0027 requirement is in addition to any other requirements which may be
0028 established in the [rules and] regulations ~~proposed by~~ the
0029 board ~~and [approved by the county council]~~ ADOPTED UNDER METHOD (2) OF
0030 SECTION 2A-15 OF THIS CODE.

0031 Sec. 18. Section 15-12 of Chapter 15, title "Eating and Drinking
0032 Establishments" be and hereby is amended to read as follows:
0033 15-12. Fees.

0034 The fees for permits under this article shall be of such an amount as
0035 the county executive, by regulation ~~promulgated by~~ ADOPTED UNDER Method

0001 ~~(2)(3) part~~ OF Section 2A-~~1A(1)(2)~~15 of this ~~code~~ CODE,
 0002 may set from time to time. The fees shall not exceed the cost of inspecting
 0003 and issuing the permits for the various establishments regulated by this
 0004 chapter. The permit fee so fixed shall be submitted with the application
 0005 and is not refundable in whole or in part unless the application is
 0006 withdrawn prior to an inspection of the premises by the director or his/her
 0007 authorized agent. If the application is withdrawn prior to inspection, the
 0008 entire permit fee shall be refunded.

0009 The county executive may waive all or part of the permit fee required
 0010 for the following establishments which pay a license fee under some other
 0011 licensing law of the county:

0012 (a) Hospitals, sanitariums, nursing homes and care homes.

0013 (b) Private educational institutions.

0014 (c) Child care homes.

0015 (d) Hotels, tourist homes, boardinghouses and rooming houses.

0016 Sec. 19. Sections 17-2, 17-22, 17-25(a), 17-37(a) and 17-38(b)(c) of
 0017 Chapter 17, title "Electricity" be and hereby are amended to read as follows:
 0018 17-2. [Rules and regulations]REGULATIONS.

0019 (a) The director may recommend written rules and regulations for the
 0020 administration of the provisions of this chapter and may, at his discretion,
 0021 hold public hearings as part of this rule-making process. Such rules and
 0022 regulations and amendments thereto shall not conflict with nor waive any
 0023 provisions of this chapter nor be less restrictive than its provisions and
 0024 shall [become effective upon their adoption] ~~be promulgated~~ ADOPTED by
 0025 the county executive [in accordance with procedures set forth in chapter 2,]
 0026 ~~by~~ UNDER Method ~~3~~(2) ~~part~~ OF section [2-105] 2A-~~1A(2)~~ 15
 0027 of this Code.

0028 (b) The director shall hold public hearings, upon adequate public
 0029 notice, with opportunity for full participation from members of the board of
 0030 electrical examiners and shall obtain the recommendations of the board of
 0031 electrical examiners prior to forwarding his recommendations for [rules and]
 0032 regulations setting forth the standards and requirements for all
 0033 installations of electrical equipment within the county. Such regulations
 0034 shall be based upon a designated edition of the National Electrical Code and
 0035 local amendments thereto, including but not limited to, those for the

0001 installation of fire alarm systems. Such [rules and] regulations and
 0002 amendments thereto shall [become effective upon their adoption] be
 0003 ~~promulgated~~ ADOPTED by the county executive [in accordance with
 0004 procedures set forth in chapter 2,] ~~by~~ UNDER Method (2) ~~promulgated~~ OF
 0005 section [2-105]2A-14(e)(1)15 of this code [and upon their approval by
 0006 resolution of the county council].

0007 17-22. Same - Master electrician limited.

0008 (a) Any person who desires to install, repair, maintain or erect
 0009 electrical equipment as a master electrician limited, as defined in this
 0010 chapter, may at any time make application to the director to be examined and
 0011 the director shall provide the applicant with the prescribed forms.

0012 (b) An applicant may be licensed hereunder for a particular type of
 0013 electrical installation or may be licensed for all types or as many types of
 0014 limited electrical installations as defined herein and for which he shall be
 0015 found qualified by the board. He shall have been regularly and principally
 0016 employed for four (4) years preceding application in the area of limitation,
 0017 under the direction of a master electrician, or master electrician limited,
 0018 where the limitation is in the same area as requested. The type of limited
 0019 licenses shall be set forth in regulations [promulgated] ~~by~~ ADOPTED UNDER
 0020 Method (3) ~~promulgated~~ OF Section 2A-14(e)(1)15 of this ~~code~~ CODE
 0021 by the county executive [as set forth in this chapter] upon recommendation
 0022 of the board. Particular license classifications shall include, without
 0023 limiting, licenses for electrical connections and circuits to air
 0024 conditioning, elevators, gasoline pumps, automatic heating furnaces whose
 0025 principal operation is derived from fuel oil, gas, steam, solar panels, or
 0026 coal, lighting, illuminated signs, and similar specialties, and electrical
 0027 repair and maintenance work, in plants, factories, apartment complexes and
 0028 any public occupancy employing maintenance forces, fire alarm systems and
 0029 electronic equipment, or major appliances, all employing the use of
 0030 electrical current or connections. The conditions of the license shall
 0031 appear plainly on the license.

0032 (c) Those persons who are employed by a plant, factory, apartment,
 0033 condominium, office building or other facility employing maintenance
 0034 personnel are encouraged to obtain a master electrician's limited license
 0035 for maintenance in order to be able to obtain permits for electrical

0001 maintenance work. In addition to the requirements in Section 17-22(a) and
 0002 (b), the owner or agent for the building or buildings must certify that the
 0003 applicant is a full-time employee and is covered by liability insurance in
 0004 the amount established by Section 17-19(c).

0005 17-25. Term of licenses; renewal.

0006 (a) All licenses issued under this chapter after the effective date of
 0007 this legislation shall be valid for two years from the date of issuance and
 0008 may be renewed upon application to the director. Applicants for licenses
 0009 and renewals thereof shall pay to the county a fee for a business license,
 0010 master electrician's license, master electrician's limited license and
 0011 journeyman electrician's license as provided for by regulations [of]
 0012 ~~promulgated by~~ ADOPTED UNDER Method (3) ~~promulgated to~~ OF Section
 0013 ~~2A-1A(1)(3)~~ 2A-15 of ~~this Code~~ CODE by the county executive.

0014 17-37. General requirements.

0015 (a) It shall be the duty of the owner, agent, lessee, occupant, or any
 0016 other person entitled to the beneficial use, rental or control of any
 0017 building which is required under this Code to have a fire alarm system to
 0018 provide, install and maintain therein a fire alarm system with sufficient
 0019 alarm bells, striking stations or automatic detectors, of such type and
 0020 character as contained in regulations ~~promulgated~~ adopted by the
 0021 county executive [and approved by the county council] ~~by~~ UNDER Method
 0022 ~~(2)(b) promulgated~~ [to [provisions of] (2) OF section [17-2(b) of this
 0023 chapter] ~~2A-1A(1)(2)~~ 15 of this ~~Code~~ CODE.

0024 17-38. Generally.

0025 * * *

0026 (b) The standards and requirements of this chapter shall be based upon
 0027 the currently designated edition of the National Electrical Code and
 0028 amendments thereto as specified in regulations adopted by the county
 0029 executive [and approved by the county council] pursuant to procedures set
 0030 forth in section 17-2(b)] ADOPTED UNDER METHOD (2) OF SECTION 2A-15 OF THIS
 0031 CODE and are hereby declared to be minimum standards and requirements. Any
 0032 electrical equipment or installation which is equal or superior to such
 0033 standards and requirements shall be deemed to be in compliance therewith.

0034 * * *

0035 Sec. 20. Sections 19-6, 19-8, 19-17 and 19-31 of Chapter 19, title

0001 "Erosion and Sediment Control" be and hereby are amended to read as follows:

0002 19-6. Same - Fees.

0003 The county executive, by written regulations ~~adopted~~

0004 ~~promulgated by~~ UNDER Method (3) [pursuant to] OF section

0005 [2-105]~~2A-1A(4)(B)~~2A-15 of this code, may establish, increase or decrease
0006 permit and inspection fees and set nonrefundable fee schedules for filing,
0007 additional submissions, and permit renewals in an amount not to exceed the
0008 reasonable cost of administering and enforcing this chapter.

0009 19-8. Same - Expiration; renewal.

0010 Every permit issued hereunder shall expire at the end of the period of
0011 time set out in the permit. The permittee shall fully perform and complete
0012 all of the work required to be done within one year after the date of
0013 issuance, unless specified otherwise by the department for good cause
0014 shown. If the permittee shall be unable to complete the work within the
0015 specified time, he shall, within thirty days prior to expiration of the
0016 permit, present in writing to the department a request for an extension of
0017 time, setting forth therein the reasons for the requested extension. If, in
0018 the discretion of the director, such an extension is warranted, he may grant
0019 additional time for the completion of the work for an additional fee, such
0020 fee to be established by the county executive by written regulation adopted
0021 [pursuant to] UNDER METHOD (3) OF section [2-105]~~2A-1A(4)(B)~~15 of this
0022 Code. Where the director determines that the extension of time will require
0023 a substantial modification of the grading, erosion and sediment control
0024 plan, any extension of a permit shall be subject to approval of a revised
0025 sediment control plan by the district.

0026 19-17. [Rules and regulations]REGULATIONS.

0027 (a) The director may recommend written [rules and] regulations for the
0028 administration of the provisions of this chapter and may, at his discretion,
0029 hold public hearings as part of this rule-making process, with opportunity
0030 for full participation from the county soil conservation district and shall
0031 obtain the recommendations from the district prior to forwarding his
0032 recommendations for [rules and] regulations. Such [rules and] regulations
0033 and amendments thereto shall not conflict with nor waive any provisions of
0034 this chapter nor be less restrictive than its provisions and shall become
0035 effective upon their adoption ~~and promulgation~~ by the county executive

0001 [in accordance with the procedures set forth in the] ~~by~~ UNDER Method

0002 ~~2(2) pursuant to~~ OF section [2-105]2A-144(d)(3)15 of this Code.

0003 (b) The director shall hold hearings upon adequate public notice of no
 0004 less than thirty days, with opportunity for full participation from the soil
 0005 conservation district and shall obtain the recommendations from the soil
 0006 conservation district prior to forwarding his recommendations for [rules
 0007 and] regulations for provisions set forth in subsection (c) of this
 0008 section. Such [rules and] regulations shall not conflict with nor waive any
 0009 provisions of this chapter nor be less restrictive than [rules or]
 0010 regulations promulgated and in effect as requirements of the state
 0011 department of natural resources. Such [rules and] regulations and
 0012 amendments thereto shall become effective upon their adoption ~~and~~
 0013 ~~promulgation~~ by the county executive [in accordance with] ~~by~~ UNDER
 0014 Method (3)(2) ~~pursuant to~~ OF section [2-105]2A-144(d)(3)15 of this
 0015 code [and upon their approval as submitted or amended by resolution of the
 0016 county council].

0017 (c) Regulations [promulgated pursuant to] ADOPTED UNDER this chapter
 0018 shall establish criteria which shall not conflict with nor waive any
 0019 provisions to this chapter nor be less restrictive than criteria adopted for
 0020 the same purposes by the soil conservation district. These regulations
 0021 shall include but not be limited to the following provisions:

- 0022 (1) Maximum duration of exposure;
- 0023 (2) Critical slope protection;
- 0024 (3) On-site grading controls;
- 0025 (4) On-site drainage controls
- 0026 (5) Protection of specimen trees.

0027 19-31. [Rules and regulations]REGULATIONS; interagency agreements.

0028 The director may recommend written [rules and] regulations for the
 0029 administration of the provisions of this article, and shall hold public
 0030 hearings as part of this rule-making process, with opportunity for full
 0031 participation by the District and the commission. Such [rules and]
 0032 regulations, and amendments thereto, shall not conflict with, nor waive, any
 0033 of the provisions of this chapter, nor be less restrictive than its
 0034 provisions, and shall become effective upon their adoption ~~and~~
 0035 ~~promulgation~~ by the county executive ~~by~~ UNDER Method (2) ~~pursuant~~

0001 ~~to~~ [in accordance with the procedures set forth in] OF section
 0002 [2-105] ~~2A-1A(1)(2)~~ 2A-15 of this code[, and upon their approval by
 0003 resolution of the county council]. Such [rules and] regulations shall
 0004 include the establishment of a fee schedule for monetary contributions to
 0005 the county in lieu of the required on-site storm water management facility,
 0006 and may also include design standards and other criteria or procedures
 0007 necessary to implement the provisions of this article. The executive, the
 0008 District and the board shall, within sixty days following the effective date
 0009 of this article, execute such agreements as may be necessary to implement
 0010 its provisions, including the monitoring and review on a periodic basis, of
 0011 the effect that the program has had on the watersheds of the county. These
 0012 agreements shall become effective within thirty days of their effective
 0013 date, unless disapproved by the county council.

0014 Sec. 21. Section 19A-5(j) of Chapter 19A, title "Ethics" be and hereby
 0015 is amended to read as follows:

0016 19A-5. Montgomery County Ethics Commission

0017 (j) The County Ethics Commission shall ~~in the manner described in~~
 0018 ~~Section 2A-1A(1)(2) of this code,~~ adopt [and promulgate] ~~by~~ UNDER
 0019 Method (2) OF SECTION 2A-15 OF THIS CODE reasonable and necessary [rules
 0020 and] regulations for the implementation and administration of this chapter.

0021 Sec. 22. Sections 21-4B(e) of Chapter 21, title "Fire and Rescue
 0022 Services" be and hereby is amended to read as follows:

0023 21-4B. Fire and rescue commission.

0024 (e) Duties, responsibilities and authority. The commission, on behalf
 0025 of the county, is hereby authorized to develop effective, efficient and
 0026 equitable fire, rescue and emergency medical services county-wide, and to
 0027 provide the policy and regulatory framework for all such fire, rescue and
 0028 medical service operations. The commission shall work closely with both the
 0029 director and the fire board. The commission shall have the following
 0030 functions in addition to those elsewhere assigned by law[,] or regulation
 0031 [or assigned] ~~promulgated~~ ADOPTED by the county executive ~~by~~ UNDER_
 0032 Method (2) ~~promulgated to~~ OF Section 2A-1A(1)(2) 15 of this ~~code~~ CODE:

0033 (1) Advise the county executive and the county council on any matter
 0034 relating to fire, rescue and emergency medical services.

0035 (2) Adopt county-wide policies, [regulations,] standards, procedures,

0001 plans and programs applicable to all fire, rescue and emergency medical
0002 service operations;

0003 (3) ADOPT REGULATIONS UNDER METHOD (2) OF SECTION 2A-15 OF THIS CODE;

0004 [(3)](4) Establish communications and dispatch procedures for emergency
0005 operations centers; and

0006 [(4)](5) Establish guidelines for curriculum and programs of the Public
0007 Service Training Academy.

0008

0009 Sec. 23. Sections 22-13, 22-37 and 22-96(g) of Chapter 22, title "Fire
0010 Safety Code" be and hereby is amended to read as follows:

0011 22-13. [Rules and regulations]REGULATIONS.

0012 (a) The director may recommend written [rules and] regulations for the
0013 administration of the provisions of this chapter including a schedule of
0014 fees and hold public hearings as part of the rule-making process. Such
0015 [rules and] regulations and amendments thereto shall not conflict with nor
0016 waive any provisions of this chapter nor be less restrictive than its
0017 provisions and shall become effective upon their adoption ~~and~~
0018 ~~promulgation~~ by the county executive ~~by~~ UNDER Method (2) ~~provided~~
0019 ~~by~~ OF [in accordance with procedures set forth in] section [2-105,
0020 Montgomery County Code 1972, and upon their approval by resolution of the
0021 county council]2A-14(t)(2)15 of this ~~code~~ CODE. In the case of fees,
0022 the county executive shall promptly forward to the county council a copy of
0023 the new fee schedule for use in budgetary planning activities. Such fees
0024 shall be in accordance with formulas based upon criteria to include area or
0025 estimated cost of construction, or cost of inspection and processing or a
0026 minimal set fee per category, not to exceed the cost of administering and
0027 enforcing this code.

0028 (b) The director shall hold public hearings, upon adequate public
0029 notice of not less than thirty days, prior to forwarding his recommendations
0030 for [rules and] regulations setting forth the standards and requirements for
0031 controlling the hazards of fire and explosion from improper storage,
0032 handling or use of substances, materials or devices and for controlling the
0033 hazardous use of property.

0034 22-37. Regulating fire extinguisher service.

0035 The director of the department of fire and rescue services shall

0001 exercise the following functions, powers and duties:

0002 (1) To administer such [rules and] regulations, ~~as provided by the~~
0003 ~~county executive by Method 2/ pursuant to Section 2A-14(c)(2) of this~~
0004 ~~code~~, as may be determined necessary for the protection and preservation
0005 of life and property in controlling:

0006 i. The registration of firms engaging in the business of servicing
0007 portable fire extinguishers;

0008 ii. The registration of firms engaging in the business of
0009 hydrostatically testing U.S. Department of Transportation specification gas
0010 cylinders used for portable fire extinguishers;

0011 iii. The examination of persons applying for a license to service
0012 portable fire extinguishers;

0013 iv. The licensing of persons to service portable fire extinguishers;

0014 v. The requirements for servicing of portable fire extinguishers.

0015 (2) To evaluate the qualifications of firms or individuals for a
0016 certificate of registration to engage in the business of servicing portable
0017 fire extinguishers.

0018 (3) To conduct examinations to ascertain the qualifications and fitness
0019 of applicants for a license to service portable fire extinguishers.

0020 (4) To issue certificates of registration for those firms that qualify
0021 under these regulations to engage in the business of servicing portable fire
0022 extinguishers, and issue licenses, apprentice permits, and authority to
0023 perform hydrostatic testing to the qualified persons.

0024 22-96. Smoke detectors.

0025 (g) Permits and fees: No smoke detector or alternative system
0026 shall be directly connected (permanently wired) to the electrical system of
0027 the structure unless an electrical permit shall have first been obtained
0028 from the department of environmental protection or the municipal electrical
0029 permit authority having jurisdiction. The county executive is hereby
0030 authorized to adopt ~~by executive regulation provided by~~ UNDER Method
0031 ~~(1)(3) pursuant to~~ Section 2A-14(c)(1)15 of this code CODE, a
0032 fee schedule for the issuance of said permit which shall not exceed the cost
0033 of administration of this section; further, the county executive is
0034 authorized to waive, partially or wholly, the fee requirement at his
0035 discretion, or to issue multiple permits under the payments of a single fee.

0001 Sec. 24. Sections 23A-6(a) and (b), and 23A-9(a)(4) of Chapter 23A,
 0002 title "Group Residential Care Facilities" be and hereby are amended to read
 0003 as follows:

0004 23A-6. Rules and regulations.

0005 (a) The county executive may ~~adopt~~ ~~promulgate~~ or amend
 0006 written [rules and] regulations ~~by~~ UNDER Method (2) ~~promulgate~~ OF
 0007 Section 2A-1A(c)(2)15 of this ~~code~~ CODE, for this chapter [and may,
 0008 at his or discretion, hold public hearings as part of this rule-making
 0009 procedure]. Such [rules and] regulations shall not conflict with nor waive
 0010 any provisions of this chapter, nor be less restrictive than its provisions
 0011 or those found in chapter 26 of this code. [Such rules and regulations or
 0012 amendments thereto shall become effective thirty days after their adoption
 0013 by the county executive unless an earlier date may be affixed upon a
 0014 declaration of an emergency and they shall have the force and effect of law.]

0015 [(b) Promptly following adoption and prior to the effective date the
 0016 county executive shall cause to have published a brief summary of the rules
 0017 or regulations so adopted, together with a statement of its effective date
 0018 and of the place where a copy thereof may be obtained. The requirement of
 0019 publication prior to the effective date shall not apply to rules and
 0020 regulations adopted upon the declaration of an emergency. A summary of
 0021 emergency rules and regulations shall be published immediately after
 0022 adoption.]

0023 23A-9. Annual facility license; procedures; conditions; administration and
 0024 enforcement.

0025 (a) License procedures. The director shall process any facility license
 0026 application according to the following procedures:

0027 * * *

0028 (4) Applicants shall pay to Montgomery County, Maryland a fee to be
 0029 established and revised, by executive regulation ~~promulgated by~~ ADOPTED
 0030 UNDER Method 1(3) ~~promulgate~~ OF Section 2A-1A(c)(2)15 of this
 0031 ~~code~~ CODE, from time to time by the county executive not to exceed the
 0032 costs of administering this chapter.

0033 * * *

0034 Sec. 25. Section 24-9(j) of Chapter 25, title "Health and Sanitation",
 0035 be and hereby is amended to read as follows:

0001 24-9. Smoking Prohibitions and Restrictions.

0002 (j) [Rules and regulations]REGULATIONS. The county executive shall
0003 adopt [and promulgate] reasonable and necessary [rules and] regulations,
0004 ~~provided that~~ UNDER METHOD (2) OF Section 2A-14(e)(2)15 of this code
0005 CODE, for the implementation, administration and enforcement of this chapter.

0006 Sec. 26. Section 24A-4(h) of Chapter 24A, title "Historic Resources
0007 Preservation", be and hereby is amended to read as follows:

0008 24A-4. Historic preservation commission - Generally.

0009 (h) Regulations. The commission may adopt, ~~in the manner described~~
0010 in UNDER METHOD (2) OF Section 2A-14(e)(2)15 of this code CODE,
0011 such [rules and] regulations as it may be deemed necessary for the proper
0012 transaction of the business of the commission.

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0001 Sec. 27. Section 25-18 of Chapter 25, title "Hospitals, Sanitariums,
0002 Nursing and Care Homes", be and hereby is amended to read as follows:

0003 25-18. Fees.

0004 (a) The annual license fees for all institutions subject to the
0005 provisions of this Article shall be established and may be revised from time
0006 to time by the county executive by written regulations ~~promulgated~~
0007 by ADOPTED UNDER Method 2(3) OF ~~promulgated~~ [in accordance with]
0008 section [2-105] 2A-1111(1)15 of this Code in an amount not to exceed the
0009 reasonable costs of administration and enforcement of this chapter.

0010 (b) No annual license shall be issued by the department until payment
0011 of the prescribed license fee has been made to the department of finance by
0012 the institution requesting the license.

0013 Sec. 28. Sections 25A-3, 25A-6(a), 25A-7, 25A-8(a) and 25A-10 of
0014 Chapter 25A, title "Housing, Moderately Priced", be and hereby are amended
0015 to read as follows:

0016 25A-3. Definitions.

0017 * * *

0018 Moderate income: The phrase "moderate income" means levels of income which
0019 prohibit or severely limit the financial ability of persons to purchase or
0020 to rent housing in Montgomery County and which, therefore, based upon the
0021 experience in the housing market in Montgomery County, require that the type
0022 of moderately priced housing intended to be developed under the provisions
0023 of this chapter be constructed.

0024 Moderate income levels shall be established by written regulations which
0025 shall be [promulgated] ~~by~~ ADOPTED UNDER Method (1) ~~promulgated~~ OF
0026 Section 2A-1111(1)15 of this ~~code~~CODE and revised by the county
0027 executive at such time as corresponds with the promulgation and revision of
0028 the executive regulations which establish the sales and rental prices for
0029 moderately priced dwelling units, as required by section 25A-3 herein, or
0030 more frequently as deemed necessary by the county executive. [Not less than
0031 seven days prior to promulgation of such written regulations, the county
0032 executive shall notify the county council of such moderate income levels or
0033 changes thereto with supporting data and reasons therefore].

0034 In establishing the moderate income levels, the county executive shall
0035 consider, but shall not be limited to a consideration of, the price

0001 established for the sale or rental of dwelling units developed pursuant to
0002 the provisions of the chapter plus the term, interest rate and taxes
0003 applicable to the financing of such dwelling units, the estimated levels of
0004 income necessary to finance the acquisition of such dwelling units, the
0005 family size and number of dependents.

0006 Moderately priced dwelling unit. The phrase "moderately priced dwelling
0007 unit" means a dwelling unit which meets the specifications of either
0008 paragraph (1) or (2) below:

0009 (1) A dwelling unit which is constructed, sold or rented under a
0010 federal program to assist the construction of housing for families of low
0011 income, namely, (i) "conventional" or "turnkey" construction of dwelling
0012 units for the County Housing Opportunities Commission (hereinafter the
0013 "Commission') or construction in reliance upon an agreement by the
0014 Commission prior to commencement of construction to enter into a lease
0015 (commonly known as "Turnkey leasing") or purchase contract for dwelling
0016 units after completion thereof, as authorized by the United States Housing
0017 Act of 1937 (codified as 12 U.S.C. 1401-1436), as amended, or (ii) provision
0018 of dwelling units under the federal rent supplement program authorized in
0019 section 101 of the Housing and Urban Development Law (codified as 12 U.S.C.
0020 1701s), as amended, or (iii) a dwelling unit which is constructed, sold or
0021 rented under a federal program to assist the construction or occupancy of
0022 housing for families under the programs for homeownership, rental and/or
0023 cooperative housing authorized in section 235 and 236 of the National
0024 Housing Act (codified as 12 U.S.C. 1715z and 1715z-1), as amended, or (iv)
0025 any other dwelling unit which is constructed, sold or rented under a
0026 federal, state or local government program identified by the county
0027 executive in written regulations, ~~promulgated by~~ ADOPTED UNDER Method (1)
0028 ~~pursuant to~~ OF Section 2A-14(c)(1)15 of this CODE, as designed
0029 to assist the construction or occupancy of housing for families of low or
0030 moderate income as defined under those programs.

0031 (2) A dwelling unit which is sold or rented in accordance with the
0032 following:

0033 a. Sales housing. The sales price of housing for sale for
0034 single-family dwelling units (including closing costs and brokerage fees)
0035 shall not exceed the applicable maximum sales price set forth herein or as

0001 established from time to time by the county executive by written regulation,
 0002 ~~promulgated by~~ ADOPTED UNDER Method (1) ~~promulgated by~~ OF Section
 0003 ~~2A-14(c)(1)~~ 2A-15 of this ~~code~~ CODE in accordance with the schedule of
 0004 adjustments outlined below:

0005 * * *

0006
 0007 b. Rental housing. The rental price, including utilities and
 0008 parking, for any dwelling unit described in subparagraph (2) of the
 0009 definition of the term moderately priced dwelling unit shall not exceed the
 0010 maximum rental price for such dwelling unit, as established by written
 0011 regulation [promulgated] ADOPTED by the county executive, ~~by~~ UNDER Method
 0012 (1) ~~promulgated by~~ OF Section ~~2A-14(c)(1)~~ 15 of this ~~code~~ CODE, or as
 0013 might be applicable under any system of rent controls in effect in the
 0014 county.

0015 The rental price of dwelling units rented pursuant to the
 0016 provisions of this chapter shall be established by written regulations
 0017 [promulgated] ADOPTED by the county executive, ~~by~~ UNDER Method (1)
 0018 ~~promulgated by~~ OF Section ~~2A-14(c)(1)~~ 15 of this ~~code~~ CODE, at the times
 0019 and following the procedures set forth above for sales housing. Different
 0020 rental prices shall be established for units where utility costs are borne
 0021 by the tenant and not included in the rent.

0022 The county executive, in determining the rental price,
 0023 shall take into consideration the current rent payable to lessors of
 0024 dwelling units under programs identified by the executive, pursuant to the
 0025 definition of moderately priced dwelling unit. The county executive in
 0026 determining the rental price shall seek, in addition to the above guideline,
 0027 such other information as from time to time may be required, such as rents
 0028 currently being paid to lessors in the private market, and shall consult
 0029 with the rental industry, employers and professional and citizens groups to
 0030 obtain statistical information, including vacancy ratios in available rental
 0031 housing in the private market and current general market and economic
 0032 conditions, which may enable the county executive to arrive at a current
 0033 maximum rental price for moderately priced dwelling units. Consideration
 0034 shall be given to cost of construction, capital and operating costs of such
 0035 rental units and changes from time to time in the income levels of persons

0001 of low and moderate income and their ability to rent housing. The county
0002 executive shall consider also the extent to which, consistent with the
0003 requirements of county codes and housing standards, the cost of rental
0004 housing can be reduced by the elimination of certain amenities.

0005

0006 25A-6. Sale or rental of moderately priced dwelling units.

0007 (a) Sale or rental to general public.

0008 (1) Subject to the provisions of this subsection, every moderately
0009 priced dwelling unit required by this chapter shall be offered to the
0010 general public for sale or rental to a good faith purchaser or renter to be
0011 used for his or her own residence, with the exception of units offered for
0012 sale or rent with the assistance of, and subject to the conditions of, a
0013 subsidy under a federal, state or local government program, identified in
0014 regulations [promulgated] ADOPTED by the county executive ~~by~~ UNDER Method
0015 (1) ~~promulgated~~ OF Section 2A-14(~~1~~)(1)15 of this ~~code~~CODE, whose
0016 purpose is to provide housing for persons of low or moderate income.

0017

* * *

0018 (5) Every purchaser or renter of a moderately priced dwelling unit
0019 shall certify on a form prescribed by the director of the Department of
0020 Housing and Community Development that he or she is acquiring or leasing
0021 said unit for his or her own, or family's, primary place of residence.
0022 Purchasers of moderately priced dwelling units, except the Housing
0023 Opportunities Commission, shall not be permitted to lease moderately priced
0024 dwelling units to other parties unless sufficient cause can be found to
0025 waive this restriction to allow temporary rentals of such units based upon
0026 regulations, which may include maximum rental levels, to be [established]
0027 ~~and promulgated~~ ADOPTED by the county executive ~~by~~ UNDER Method (1)
0028 ~~promulgated~~ OF Section 2A-14(~~1~~)(1)15 of this ~~code~~CODE. No
0029 applicant shall sell or lease any unit without first obtaining such
0030 certificates from purchaser or lessee. Copies of certificates to applicants
0031 from purchasers or lessees shall be furnished to the Department of Housing
0032 and Community Development and shall be maintained on file with the
0033 department in such a manner as the department shall provide. Prior to the
0034 sale by an applicant or by the Housing Opportunities Commission to any
0035 purchaser of any moderately priced dwelling unit constructed under this

0001 chapter, the applicant or the Housing Opportunities Commission shall request
 0002 a determination by the Department of Housing and Community Development from
 0003 the certificates on file whether or not such proposed purchaser was a
 0004 previous purchaser of a moderately priced dwelling unit. Previous
 0005 purchasers shall not be permitted to purchase a second moderately priced
 0006 dwelling unit unless there are no other first-time purchasers qualified to
 0007 make such purchase; provided, that the director of the Department of Housing
 0008 and Community Development may waive this restriction for good cause.
 0009 25A-7. Control of subsequent sale or rental prices; foreclosure.

0010 * * *

0011 (c) Subsequent rental price. Moderately priced dwelling units
 0012 constructed or offered for rent under this chapter shall not be rented
 0013 during a period of ten years from the date of original rental at a rental
 0014 rate greater than that established by regulations promulgated by the county
 0015 executive ~~by~~ UNDER Method (1) ~~promulgated to~~ OF Section 2A-144(e)(1)15
 0016 ~~of this Code~~ CODE. Whenever any moderately priced dwelling unit (as
 0017 described in subparagraph (2) of the definition of that term and other than
 0018 those offered by the commission) is offered for rent during the aforesaid
 0019 control period, it shall be offered exclusively for 60 days to the Housing
 0020 Opportunities Commission and persons of moderate income, as defined by this
 0021 chapter and as determined eligible by the Department of Housing and
 0022 Community Development, for use as his or her own residence. The commission
 0023 may assign its right to rent such units to persons of low or moderate income
 0024 who are eligible for assistance under any federal, state or local program
 0025 identified in regulations [promulgated] ADOPTED by the county executive
 0026 ~~by~~ UNDER Method (1) ~~promulgated to~~ OF Section 2A-144(e)(1)15 of this
 0027 ~~Code~~ CODE.

0028 (d) County foreclosure regulations. Notwithstanding the foregoing
 0029 provisions, the county executive is authorized to [establish] ~~and~~
 0030 ~~promulgate~~ ADOPT written regulations ~~by~~ UNDER Method (1) ~~promulgated to~~
 0031 OF Section 2A-144(e)(1)15 of this ~~Code~~ CODE [subject to approval by the
 0032 county council] dealing with foreclosure proceedings.

0033 25A-8. Executive regulations; enforcement of chapter.

0034 (a) For the purpose of effectuating the requirements of this chapter,
 0035 the department of housing and community development shall maintain a list of

0001 all moderately priced dwelling units constructed, sold or rented pursuant to
0002 this chapter, and the county executive shall, from time to time, [issue]
0003 ~~promulgate~~ ADOPT such written regulations, ~~by~~ UNDER Method (1)
0004 ~~presented to~~ OF Section 2A-14(1)(1)15 of this ~~code~~CODE, as may be
0005 necessary to put into effect and to administer the provisions of this
0006 chapter.

0007 25A-10. Applicability.

0008 The provisions of this chapter, as amended, shall be applicable to all
0009 applicants and units developed by applicants, except that where a person
0010 qualified as an applicant prior to October 1, 1981, the following shall
0011 apply:

0012 (a) The required percentage of moderately priced dwelling units
0013 specified in section 25A-4(a)(1) shall be 15%;

0014 (b) The price control period for sale and rental units shall be five
0015 years; and

0016 (c) The provisions of section 25A-6(a)(4) shall not be applicable.

0017 An applicant may elect to waive the exception noted above in its
0018 entirety, according to such procedures and at such times as shall be
0019 specified in regulations [promulgated] ADOPTED by the county executive ~~by~~
0020 UNDER Method (1) ~~presented to~~ OF Section 2A-14(1)(1)15 of this
0021 ~~code~~CODE. Any agreement required by section 25A-4 shall be submitted or
0022 amended to conform with such election.

0023 Sec. 28A. Sections 25B-3(c)(5), 25B-4(b) and 25B-8 of Chapter 25B,
0024 title "Housing Policy" of the Montgomery County Code 1972, as amended, be
0025 and hereby are amended to read as follows:

0026 25B-3 HOUSING POLICY IMPLEMENTATION.

0027 * * *

0028 (C) THE COUNTY EXECUTIVE SHALL:

0029 (5) REVISE OR RECOMMEND REVISIONS, UNDER METHOD (2) OF SECTION 2A-15 OF
0030 THIS CODE, TO REGULATIONS WHICH ADD UNNECESSARILY TO THE COST OR DELAY OF
0031 HOUSING CONSTRUCTION;

0032 * * *

0033 25B-4. Annual Housing Report.

0034 * * *

0035 (b) The county executive shall also include in the Annual Housing

0001 Report a report of existing and approved assisted-family housing and other
 0002 characteristics affecting the suitability of placing additional units of
 0003 assisted-family housing by census tract or other enumeration area as
 0004 designated by executive regulation ~~promulgated by~~ ADOPTED UNDER Method
 0005 ~~2 promulgated by~~ (3) OF Section 2A-1A(1)(2)15 of this Code; and the
 0006 county executive shall recommend to the county council those geographic
 0007 areas which should be designated as limited priority for receiving
 0008 additional assisted-family housing in the forthcoming year.

0009 25B-8. Administrative Rules.

0010 The county executive and each relevant agency may adopt after public
 0011 hearing, rules of procedure or executive regulations ~~promulgated by~~
 0012 ADOPTED UNDER Method (2) ~~in the manner described in~~ OF Section
 0013 ~~2A-1A(1)(2)~~ 2A-15 of this Code CODE, necessary to administer the
 0014 provisions of this law and to implement the County's adopted Housing Policy.

0015 Sec. 29. Sections 26-21(g) and 26-22 of Chapter 26, title "Housing
 0016 Standards", be and hereby are amended to read as follows:

0017 26-21. Smoke detectors.

0018 * * *

0019 (g) Permits and fees: No smoke detectors or alternative system shall
 0020 be directly connected (permanently wired) to the electrical system of the
 0021 structure unless an electrical permit shall have first been obtained from
 0022 the department of environmental protection or the municipal electrical
 0023 permit authority having jurisdiction. The county executive is hereby
 0024 authorized to ~~promulgate~~ ADOPT executive regulations, ~~by~~ UNDER Method
 0025 (3) ~~promulgated by~~ OF Section 2A-1A(1)(3)15 of this Code, to adopt
 0026 a fee schedule for the issuance of said permit which shall not exceed the
 0027 cost of administration of this section, further, the county executive is
 0028 authorized to waive, partially or wholly, the fee requirement at his/her
 0029 discretion, or to issue multiple permits under the payment of a single fee.

0030 26-22. Executive regulations.

0031 The county executive is hereby authorized to [promulgate rules and]
 0032 ADOPT regulations, [subject to council approval] ~~by~~ UNDER Method (2)
 0033 ~~promulgated by~~ OF Section 2A-1A(1)(2)15 of this Code, to implement
 0034 and administer the provisions of this chapter and to create standards for
 0035 materials and equipment. [The regulations shall be deemed approved 45 days

0001 following receipt by the council if by that time the council has not acted
0002 upon the regulations in some manner, including a resolution to extend the
0003 time for its consideration.]

0004 Sec. 30. Sections 27-6(a)(7), 27-6A(c), 27-26D(a), 27-29(g) and
0005 27-42(j) of Chapter 27, title "Human Relations and Civil Liberties", be and
0006 hereby are amended to read as follows:

0007 27-6. Duties generally.

0008 (a) The commission on human relations shall have the power and it shall
0009 be its duty:

0010 * * *

0011 (7) To [~~adopt~~ ~~promulgate~~ such [rules and
0012 procedures] REGULATIONS, ~~by~~ UNDER Method (2) ~~in the manner described in~~
0013 OF Section 2A-14(d)(2)15 of this ~~code~~ CODE, [after notice and public
0014 hearing] as may be necessary to carry out the purposes and provisions of
0015 this article; to keep a record of its hearings, activities and minutes of
0016 all meetings. The records and minutes shall be on file with the executive
0017 secretary of the commission and open to the public at reasonable business
0018 hours upon request.

0019 27-6A. Definitions generally.

0020 For the purposes of this article the following words and phrases shall
0021 have the meaning ascribed to them:

0022 * * *

0023 (c) Reasonable accommodation. The effort necessary to make suitable a
0024 working, recreational or living environment for a handicapped person without
0025 danger to any person's health or safety or without undue hardship or expense
0026 to a business or other activity making such accommodation. In rental
0027 housing, the landlord may impose special conditions upon a handicapped
0028 tenant, the purpose of which is to protect the health and safety of the
0029 tenant and other residents of the facility. Such conditions and agreement
0030 thereto by the tenant shall be in writing. The commission, [subject to
0031 approval by the county council], shall provide by [administrative rule or]
0032 regulation, ~~promulgated by~~ ADOPTED UNDER Method (2) ~~in the manner~~
0033 ~~described in~~ OF Section 2A-14(d)(2)15 of this ~~code~~ CODE, a
0034 procedure by which those persons covered by the provisions of this article
0035 may apply to the human relations commission for a declaratory ruling as to

0001 whether or not a proposed accommodation is reasonable. The procedure for
 0002 such declaratory ruling shall include all due process safeguards. Any
 0003 person aggrieved by such ruling shall have the right to appeal to the
 0004 circuit court for Montgomery County under the provisions of Maryland Rule
 0005 B. Such an appeal shall also include full appellate review by the appeal
 0006 courts of Maryland. The commission may also prescribe by [rule or]
 0007 regulation, ~~promulgated by~~ ADOPTED UNDER Method (2) ~~presented to~~ OF
 0008 Section 2A-14(c)(2) 2A-15 of this ~~code~~ CODE, guidelines under which
 0009 pre-employment or pre-rental inquiries may be made of handicapped
 0010 individuals, the purpose of which is to determine the measures necessary to
 0011 protect the health and safety of handicapped persons and others. Any
 0012 inquiry so permitted shall not be used as a basis for discriminatory
 0013 practices made unlawful by this article; provided, however, the results of
 0014 such inquiries may form the basis for a determination of reasonable
 0015 accommodation.

0016 27-26D. Alternative Service; Anti-Hate/Violence Fund.

0017 (a) Any civil monetary liability to Montgomery County imposed pursuant
 0018 to this Division, upon a child or an adult, may be paid in kind by the
 0019 performance of alternative community service, as provided by the county
 0020 executive by regulation ~~promulgated by~~ ADOPTED UNDER Method 2/~~presented~~
 0021 ~~to~~(3) OF Section 2A-14(c)(2) 15 of this ~~code~~ CODE.

0022 * * *

0023 27-29. Powers and duties generally.

0024 The Commission shall have the power and it shall be its duty:

0025 * * *

0026 (g) To adopt, ~~by~~ UNDER Method (2) ~~in the manner described in~~ OF
 0027 Section 2A-14(c)(2) 15 of this ~~code~~ CODE, such [rules and
 0028 procedures]REGULATIONS as may be necessary to carry out the purposes of this
 0029 article; to keep a record of its activities and minutes of all meetings;
 0030 such records and minutes shall be on file and shall be open to the public at
 0031 reasonable business hours upon request.

0032 27-42. Powers and duties generally of committee.

0033 To accomplish the purposes for which the community action agency is
 0034 established, the community action committee shall have the power to:

0035 * * *

9001 (j) Adopt, amend and repeal by-laws[, rules] and ADOPT regulations
0002 UNDER METHOD (2) OF SECTION 2A-15 OF THIS CODE governing the manner in which
0003 its activities may be conducted and the powers vested in it may be exercised;

0004 Sec. 31. Sections 27A-4 and 27A-5(e) of Chapter 27A, title "Individual
0005 Water Supply and Sewage Disposal Systems", be and hereby are repealed and
0006 reenacted with amendments to read as follows:

0007 27A-4. [Rules and regulations]REGULATIONS.

0008 (a) The county executive may [adopt] ~~promulgate~~ or amend,
0009 ~~by~~ UNDER Method (2) OF SECTION 2A-15 OF THIS CODE, written [rules and]
0010 regulations for this chapter, ~~promulgate~~ ~~to~~ ~~be~~ ~~effective~~ ~~in~~ ~~2A-1A(1)(2) of this~~
0011 ~~code~~. [Such rules and regulations and amendments thereto shall not
0012 conflict with nor waive any provisions of this chapter nor be less
0013 restrictive than its provisions. Such rules and regulations and amendments
0014 thereto shall, subsequent to adoption by the county executive, require
0015 approval by resolution of the county council adopted not less than fourteen
0016 days following its introduction. Thereafter, such rules and regulations
0017 shall become effective as provided in section 2-105.]

0018 (b) Following consultation with the Washington Suburban Sanitary
0019 Commission, the Montgomery County Planning Board and other concerned public
0020 agencies, the director shall recommend [rules and] regulations for the
0021 administration and enforcement of the provisions of this chapter. The
0022 [director shall hold public hearings, upon adequate public notice, prior to
0023 forwarding to the county executive recommendations for rules and regulations
0024 for] REGULATIONS SHALL BE ADOPTED UNDER METHOD (3) OF SECTION 2A-15 OF THIS
0025 CODE AND SHALL INCLUDE the standards and requirements governing such things
0026 as the location, design, construction, maintenance, repair and operation of
0027 individual water supply systems; the pre-drilling of wells; the location,
0028 design, construction, maintenance, operation and scavenging of individual
0029 sewage disposal systems; the abandonment of wells; the protection of
0030 percolation test holes; and field and laboratory tests appurtenant to the
0031 foregoing.

0032 27A-5. Permits.

0033 (e) The county executive shall adopt a schedule of fees, by executive
0034 regulation ~~promulgated by~~ ADOPTED UNDER Method (3) ~~promulgate~~ ~~to~~ OF
0035 Section 2A-1A(1)(3)15 of this code CODE, which shall apply to the

0001 issuance of permits required hereunder; to other services such as special
 0002 inspections, field testing, plans review, laboratory analyses; and to the
 0003 issuance of permits for the collection, transport and disposal of solid and
 0004 liquid wastes as required hereunder.

0005 Sec. 32. Sections 29-10(a), 29-19, 29-28A(b)(3), and 29-49(a) of
 0006 Chapter 29, title "Landlord-Tenant Relations", be and hereby are amended to
 0007 read as follows:

0008 29-10. Powers and duties generally.

0009 In addition to any other power, duty or responsibility provided in this
 0010 chapter, the Commission shall have the following powers:

0011 (a) [Subject to approval by the county council, the]The commission
 0012 may [make, issue,] adopt[, promulgate, amend and rescind,] ~~the/direct~~
 0013 ~~described in] by Method 2/patent/6/section/2A-14(2)/of this/code,~~
 0014 [such rules and] regulations UNDER METHOD (2) OF SECTION 2A-15 OF THIS CODE,
 0015 including provisions for notification under this chapter, as it deems
 0016 necessary to implement the provisions of this chapter.

0017 29-19. Fees.

0018 An annual license fee per dwelling unit shall be established by the
 0019 county executive by written regulation, ~~promulgated/by~~ ADOPTED UNDER
 0020 ~~Method 2/patent/6~~ (3) OF ~~Section 2A-14(2)/15~~ of this
 0021 ~~code~~CODE, in an amount sufficient to pay the costs incidental to the
 0022 administration of this chapter and to make this chapter self-sustaining;
 0023 provided, that no part of this fee shall be used for any costs of
 0024 administering or providing financial assistance in connection with section
 0025 29-28A of this chapter relating to the transportation and storage of evicted
 0026 tenants' chattels.

0027

0028 29-28A. Eviction - Removal, transportation and storage of evicted tenants'
 0029 chattels.

0030 * * *

0031 (b) Transportation and storage of chattels at county's expense.

0032 * * *

0033 (3) The county executive is authorized to provide by written
 0034 regulation [adopted] ~~promulgated/by~~ UNDER Method 2(3) [in
 0035 accordance with the procedures prescribed by [law] OF Section

0001 ~~2A-144(c)(2)15~~ of this ~~code~~CODE, for financial assistance to tenants
 0002 without sufficient financial means to reclaim their chattels from storage
 0003 under the provisions of this subsection. The funds for such financial
 0004 assistance shall be appropriated to the office of landlord-tenant affairs
 0005 and shall be made available by that office in accordance with the procedures
 0006 established by written regulation of the county executive.

0007 29-49. Administration, enforcement and penalties.

0008 (a) The county executive is authorized to adopt ~~by~~ UNDER Method
 0009 ~~(2) of this code~~ (2) OF Section 2A-~~144(c)(2)15~~ of this ~~code~~CODE,
 0010 such regulations as may be necessary to administer this article properly.

0011 Sec. 33. Section 29A-5(b)(9) of Chapter 29A, title "Legislative
 0012 Oversight", be and hereby is amended to read as follows:

0013 29A-5. - Same - Responsibilities, powers and duties.

0014 (b) Powers and duties. In addition to any other power, duty or
 0015 responsibility provided in this chapter, the office shall have the following
 0016 powers and duties:

0017 * * *

0018 (9) Develop uniform review and evaluation procedures, guidelines
 0019 and regulations[, subject to approval by the county council,] for the
 0020 conduct and explanation of audits, surveys and investigations under this
 0021 chapter. Regulations that may be issued pursuant to this chapter shall
 0022 [contain provisions for citizen input and input from the private sector into
 0023 the legislative oversight process] ~~be promulgated by~~ ADOPTED UNDER Method
 0024 ~~(2) in the manner described in~~ OF Section 2A-~~144(c)(2)15~~ of this
 0025 ~~code~~CODE. [Procedures and guidelines shall be subject to approval by the
 0026 county council.]

0027 Sec. 34. Sections 30-2, 30-5, 30-8, 30-11 and 30-12 of Chapter 30,
 0028 title "Licensing and Regulations Generally", be and hereby are amended to
 0029 read as follows:

0030 30-2. Picnics, dances, soirees and other entertainment - Authority to
 0031 regulate, etc.

0032 The fees for licenses issued under this chapter shall be of such an
 0033 amount as the county executive by regulation, ~~promulgated by~~ ADOPTED
 0034 UNDER Method ~~(3) pursuant to~~ OF Section 2A-~~144(c)(3)15~~ of this
 0035 ~~code~~CODE, may set from time to time and shall not exceed the cost of

0001 administering this chapter. The permit fee so fixed shall be submitted with
 0002 the application and is not refundable in whole or in part. The county
 0003 executive is authorized to [issue] ~~promulgate/by/Method/3~~ ADOPT such
 0004 [rules and] regulations, ~~present/16~~ UNDER METHOD (3) OF Section
 0005 2A-141(1)(3)15 of this ~~code~~ CODE, in connection with such permit,
 0006 license and fee as are necessary to protect the public health, safety and
 0007 welfare.

0008

0009 30-5. PUBLIC AMUSEMENTS, CLUBHOUSES, SANITARIUMS, HOSPITALS, ETC. -
 0010 GENERALLY.

0011 (A) THE COUNCIL IS HEREBY EMPOWERED TO PRESCRIBE BY LAW FOR THE
 0012 LICENSING AND REGULATION WITHIN THE LIMITS OF THE COUNTY ANY PLACE OF PUBLIC
 0013 AMUSEMENT OR RECREATION, PLEASURE PARKS, PICNIC GROUNDS, CLUBHOUSES,
 0014 THEATRICAL EXHIBITIONS, BASEBALL GROUNDS, BOWLING ALLEYS, BILLIARD HALLS OR
 0015 POOLROOMS, CAMP-MEETING GROUNDS, GRAVEYARDS, SANITARIUMS, HOSPITALS, HOMES
 0016 FOR THE AGED, PRIVATE EDUCATIONAL INSTITUTIONS, ORPHAN ASYLUMS, HOMES FOR
 0017 CHILDREN AND CONVALESCENT HOMES, SIGNS OR SIGNBOARDS, ROADSIDE STANDS OR
 0018 ESTABLISHMENTS; AND IN ORDER TO SAFEGUARD THE PUBLIC HEALTH, SAFETY, MORALS
 0019 AND WELFARE, TO PASS [RULES AND] REGULATIONS FOR THE PURPOSE OF CARRYING OUT
 0020 THE POWERS HEREIN GRANTED OR TO AUTHORIZE THE COUNTY EXECUTIVE TO ISSUE
 0021 REGULATIONS TO IMPLEMENT ANY LAW; PROVIDED, THAT SUCH [RULES AND]
 0022 REGULATIONS SHALL CONTAIN PROPER STANDARDS FOR THE EXERCISE OF THE
 0023 DISCRETION CONFERRED HEREIN AND SHALL OPERATE UNIFORMLY; PROVIDED FURTHER,
 0024 THAT THE POWER OF THE COUNCIL TO LICENSE, REGULATE OR LIMIT CLUBHOUSES SHALL
 0025 NOT APPLY TO THE CLUBHOUSES OF COUNTRY CLUBS WHICH WERE IN EXISTENCE AND
 0026 OPERATION ON JANUARY 1, 1927 AND WHICH ON THAT DATE HAD A PUBLIC OR PRIVATE
 0027 LIST OF FIFTY OR MORE BONA FIDE MEMBERS PAYING DUES AND WHICH ON THAT DATE
 0028 MAINTAINED ON THE CLUB PREMISES AT LEAST TWO OF THE FOLLOWING ATHLETIC
 0029 FACILITIES FOR THEIR MEMBERSHIP:

0030 (1) A GOLF COURSE OF NINE HOLES OR MORE;
 0031 (2) TWO OR MORE TENNIS COURTS; OR
 0032 (3) A SWIMMING POOL NOT LESS THAN FORTY FEET IN LENGTH AND TWENTY
 0033 FEET IN WIDTH.

0034

0035 (B) ANY REGULATION ADOPTED UNDER THIS SECTION SHALL BE ADOPTED UNDER

0001 METHOD (2) OF SECTION 2A-15 OF THIS CODE.

0002 * * *

0003

0004 30-8. SAME - REGULATIONS AND LICENSING GENERALLY.

0005 (A) THE COUNCIL IS HEREBY AUTHORIZED TO PROVIDE BY LAW FOR THE
0006 REGULATION AND LICENSING OF PAWNBROKERS AND THEIR ACTIVITIES, AS IT SHALL
0007 DEEM NECESSARY TO PROMOTE THE PUBLIC HEALTH, SAFETY, MORALS AND WELFARE OF
0008 THE COMMUNITY.

0009 (B) ANY REGULATION ADOPTED UNDER THIS SECTION SHALL BE ADOPTED UNDER
0010 METHOD (3) OF SECTION 2A-15 OF THIS CODE.

0011 * * *

0012

0013 30-11. LICENSE FEES GENERALLY.

0014 THE COUNCIL SHALL FIX AND ENFORCE A UNIFORM SCHEDULE OF FEES FOR
0015 LICENSING ANY CLASS OF BUSINESS OR ENTERPRISE AS IT MAY DEEM NECESSARY, OR
0016 [THE COUNCIL BY RESOLUTION MAY AUTHORIZE] THE COUNTY EXECUTIVE BY
0017 REGULATION, ADOPTED UNDER METHOD (3) OF SECTION 2A-15 OF THIS CODE, [TO] MAY
0018 ESTABLISH SUCH FEES, NOT TO EXCEED THE REASONABLE COSTS OF LICENSING AND
0019 ENFORCEMENT. ALL FEES SO DETERMINED SHALL BE COLLECTED AND PAID OVER TO THE
0020 DIRECTOR OF FINANCE FOR THE USE OF THE COUNTY.

0021

0022

0023 30-12. Alcoholic beverages - Consumption on public property.

0024 The county executive is hereby authorized to [establish] ADOPT and from
0025 time to time amend [rules and] regulations ~~by~~ UNDER Method (3) ~~of this code~~
0026 ~~of~~ Section 2A-14(c)(3)15 of this code CODE, governing the
0027 consumption of alcoholic beverages on "public property" as that phrase is
0028 defined in article 2B, section 210 of the Annotated Code of Maryland.

0029 Sec. 35. Sections 30B-3, 30B-10, 30B-13 and 30B-15 of Chapter 30B,
0030 title "Massage Establishments and Massage Technicians", be and hereby are
0031 amended to read as follows:

0032 30B-3. Administration; fees; [rules and] regulations.

0033 (a) The county executive is hereby authorized[, following a public
0034 hearing,] to adopt ~~and promulgate by Method 2~~ [rules and] regulations for
0035

0001 the implementation of this chapter [pursuant to section [2-105 of the
 0002 Montgomery County] UNDER METHOD (3) OF SECTION 2A-144(e)(2)15 of this
 0003 ~~code~~CODE[, as amended]; specifically, he or she may authorize or require
 0004 extensive background reviews for all applicants for licensure or
 0005 registration under this chapter, require from the applicant such background
 0006 information as may be necessary to determine the fitness of the applicant
 0007 for a license or registration, require applicants strictly to comply with
 0008 all county and state health requirements as a condition subsequent to the
 0009 issuance of a license or registration and may require such training programs
 0010 for massage technicians as he or she deems necessary or reasonable.

0011 (b) The county executive, ~~by executive regulation promulgated by~~
 0012 ADOPTED UNDER Method 2(3) ~~promulgated by~~ OF Section 2A-144(e)(2)15 of
 0013 this ~~code~~CODE, is hereby authorized to adopt from time to time a schedule
 0014 of fees, not to exceed the reasonable costs of administration of this
 0015 chapter.

0016 (c) Exemptions.

0017 (1) The county executive may, by written regulation ~~promulgated~~
 0018 ~~by~~ ADOPTED UNDER Method 2(3) ~~promulgated by~~ OF Section 2A-144(e)(2)15
 0019 of this ~~code~~CODE, specifically (by address) exempt any establishment from
 0020 the requirements hereof if he or she finds:

0021 a. That such establishment (or the users thereof) reasonably
 0022 requires the administration of massages pursuant to a bona fide professional
 0023 discipline for which state licensure is being sought.

0024 b. That such establishment (or the users thereof) reasonably
 0025 requires the administration of massages pursuant to a bona fide athletic or
 0026 educational event or function.

0027 Provided, however, that no exemption shall issue which is likely to
 0028 contravene the purposes of this law.

0029 (2) The county executive may, by written regulation ~~promulgated by~~
 0030 ~~method 2/promulgated by~~ ADOPTED UNDER METHOD (3) OF Section 2A-144(e)(2)15
 0031 of this ~~code~~CODE, specifically (by name) exempt any person from the
 0032 requirements hereof if he or she finds:

0033 a. That such person is reasonably required to administer massages
 0034 pursuant to a professional discipline for which state licensure is being
 0035 sought.

0001 b. That such person is reasonably required to administer massages
 0002 pursuant to a bona fide athletic or educational event or function.

0003 Provided, however, that no exemption shall issue which is likely to
 0004 contravene the purposes of this law.

0005 30B-10. Application, fees and requirements.

0006 Each application for massage establishment license shall be upon a form
 0007 provided by the director and accompanied by such licensure fees as are
 0008 adopted by the county executive ~~in an executive regulation promulgated by~~
 0009 ADOPTED UNDER Method ~~2(3) pursuant to~~ OF Section ~~2A-14(c)(2)~~15 of
 0010 this ~~code~~CODE. Such forms shall contain all information as set forth in
 0011 executive regulations promulgated hereunder; these regulations may impose
 0012 different requirements depending on whether the applicant is a person,
 0013 partnership or coporation, and require reapplication upon any change in
 0014 ownership.

0015 30B-13. Minimum standards for massage establishments.

0016 Messages must be administered either on the massage establishment's
 0017 premises, or in the private residence of the patron. Where massages are
 0018 administered on the massage establishment's premises, it shall meet the
 0019 minimum standards as set forth in the executive regulations [promulgated
 0020 hereunder] ADOPTED UNDER METHOD (2) OF SECTION 2A-15 OF THIS CODE. Where
 0021 massages are to be administered off the premises, the office address of the
 0022 massage establishment shall be the premises for which the license is granted.

0023 30B-15. Application, fee and requirements.

0024 Each application for a massage technician's registration shall be upon a
 0025 form provided by the director, and accompanied by such registration fees as
 0026 are adopted by the county executive in an executive regulation
 0027 ~~promulgated by~~ ADOPTED UNDER Method ~~2(3) pursuant to~~ OF
 0028 Section 2A-14(c)(2)15 of this ~~code~~ CODE. Such form shall contain all
 0029 information as set forth in the executive regulation promulgated hereunder.
 0030 No registration shall issue

0031 to a partnership, corporation, etc. or other than a named individual.

0032 Sec. 36. Sections 31-2, 31-5(b), 31-6(a), 316-(a), 31-9(b),31-10,
 0033 31-21(b), 31-23, 31-26, 31-29(b), 31-30(a), 31-31(b), 31-33(a), 31-46(b),
 0034 31-48(b)(g)(h), 31-51(a)(b), 31-52(e), 31-57(a), 31-58. and 31-62(c), of
 0035 Chapter 31, title "Motor Vehicles and Traffic", be and hereby are amended to

0001 read as follows:

0002 31-2. Authority of county executive to erect traffic signs.

0003 Whenever, in the judgment of the county executive, it is necessary for
 0004 the safety or control of vehicular or pedestrian traffic, he is authorized
 0005 to provide, by executive ORDER ~~regulation/promulgated by Method 2~~
 0006 ~~promulgated by Method 2~~ pursuant to Section 2A-14(c)(2) of this code, for the erection of "stop,"
 0007 "speed limit" and other traffic control signs and devices on public streets,
 0008 highways or other areas in the County; provided, that no such sign or device
 0009 shall be erected on State highways without the approval of the State Highway
 0010 Administration; and provided, that no such sign or device shall be erected
 0011 at the cost of the county government in any incorporated town or special
 0012 taxing area unless the council has by resolution consented to the payment of
 0013 such costs; and provided, that if the private owner of any land used by the
 0014 general public shall cause to have erected "stop," "speed limit" or other
 0015 traffic control signs or devices upon streets, highways and other areas
 0016 within said private property said signs shall conform to the most recent
 0017 edition of the "Manual on Uniform Traffic Control Devices for Streets and
 0018 Highways" with regard to design, color, size and placement. The county
 0019 executive is authorized to approve by [written regulation] EXECUTIVE
 0020 ORDER ~~promulgated by Method 2~~ pursuant to Section 2A-14(c)(2) of this
 0021 ~~code~~ said traffic control signs and devices, which shall then have the
 0022 same effect as those public traffic control signs and devices erected by the
 0023 direction of the county executive; provided, that all such signs and devices
 0024 on private property shall be constructed, erected and maintained at the cost
 0025 of the owner of said land.

0026 31-5. Driving over curbs, sidewalks or drainage structures.

0027 * * *

0028 (b) Bicycles which are not motorized and special vehicles used by
 0029 handicapped persons may be operated upon sidewalk areas and appurtenant
 0030 drainage structures designed for pedestrian use except where, in the
 0031 judgment of the county executive, it is necessary for the safety or control
 0032 of vehicular and pedestrian traffic to prohibit riding of such vehicles.
 0033 Whenever any person is riding upon a sidewalk, such person shall give an
 0034 audible signal and yield the right-of-way to any pedestrian. The county
 0035 executive may, by regulation [promulgated] ~~by~~ ADOPTED UNDER Method (3)

0001 ~~puruant to~~ OF Section 2A-144(c)(3)15 of this ~~code~~CODE, a.

0002 holding a public hearing, define "special vehicle" and "handicapped";
0003 establish licensing requirements; and establish hours during which special
0004 vehicles may be operated upon sidewalk areas.

0005 * * *

0006 31-6. Snow and ice emergency traffic control.

0007 (a) The county executive is hereby authorized from time to time to
0008 designate, by [written regulation] EXECUTIVE ORDER ~~promulgated by Method 1~~
0009 ~~puruant to Section 2A-144(c)(3) of this code~~, important streets and highway
0010 s of the county as snow emergency routes, which shall be marked by snow emerge
0011 ncy route signs.

0012 31-9. Impounding illegally parked vehicles, impeding traffic, etc.

0013 * * *

0014 (b) In any case involving the impoundment of a vehicle pursuant to this
0015 section, an administrative cost not to exceed twenty-five dollars or such
0016 lesser amount as established from time to time by the county executive by
0017 executive regulation promulgated by ADOPTED UNDER Method (3) ~~puruant~~
0018 ~~to~~ OF Section 2A-144(c)(3)15 of this ~~code~~CODE, shall be charged to
0019 the owner of the vehicle in addition to all fines and penalties assessed
0020 pursuant to any violation of this chapter plus any towing or storage charges
0021 incurred. All such fines, penalties, costs and charges shall be paid to the
0022 county or its agent before the owner may reclaim or secure the release of
0023 the vehicle.

0024
0025 31-10. Authority of county executive to erect parking signs.

0026 Whenever, in the judgment of the county executive, it is necessary for
0027 the safety or control of vehicular traffic and parking or for pedestrian
0028 safety, he is authorized to provide by executive ORDER ~~regulation~~
0029 ~~promulgated by Method 1/puruant to Section 2A-144(c)(3) of this code~~, for
0030 the erection of "no stopping," "no standing," "no parking," and other
0031 parking control signs and devices on public streets, highways or other areas
0032 in the county; provided, that no such sign or device shall be erected on
0033 state highways without the approval of the state highway administration; and
0034 provided, that no such sign or device shall be erected at the cost of the
0035 county government in any incorporated town or special taxing area unless the

0001 council has by resolution consented to the payment of such costs; and
 0002 provided, that if the private owner of any land used by the general public
 0003 shall cause to have erected "no stopping," "no standing," "no parking" or
 0004 other parking control signs or devices upon streets, highways, and other
 0005 areas within said private property, said signs shall conform to the most
 0006 recent edition of the "Manual on Uniform Traffic Control Devices for Streets
 0007 and Highways" with regard to design, color, size and placement. The county
 0008 executive is authorized to approve by [written regulation] ~~promulgated by~~
 0009 ~~Method 1/pursuant to Section 2A-14(d)(2) of Title 17~~ EXECUTIVE ORDER said
 0010 parking control signs and devices which shall then have the same effect as
 0011 those public parking control signs and devices erected by the direction of
 0012 the county executive; provided, that all such signs and devices on private
 0013 property shall be constructed, erected and maintained at the cost of the
 0014 owner of the land.

0015 31-21. Impounding illegally parked vehicles.

0016 * * *

0017 (b) In any case involving the impoundment of a vehicle pursuant to this
 0018 section, an administrative cost not to exceed twenty-five dollars or such
 0019 lesser amount as established from time to time by the county executive, by
 0020 executive regulation ~~promulgated by~~ ^{UNDER} ADOPTED Method (3) ~~pursuant to~~ OF
 0021 Section 2A-14(d)(3)15 of this ~~code~~ CODE, shall be charged to the owner
 0022 of the vehicle in addition to all outstanding fines and penalties assessed
 0023 pursuant to violations of this article plus any towing or storage charges
 0024 incurred.

0025 * * *

0026 31-23. Authority of county executive or his designee to regulate by signs.

0027 (a) The county executive or his designee is hereby authorized, by
 0028 [written regulation] ~~promulgated by Method 1/pursuant to Section~~
 0029 ~~2A-14(d)(3) of Title 17~~ EXECUTIVE ORDER in the form of traffic orders,
 0030 to regulate parking of vehicles on county property by the erection of
 0031 official signs conforming to the regulations regarding signs posted on
 0032 public streets and highways, and conforming in design, color, size and
 0033 placement to the standards established in the most recent edition of the
 0034 "Manual on Uniform Traffic Control Devices for Streets and Highways."

0035 (b) All parking signs erected on any privately owned parking lot within

0001 the county shall conform to the regulations regarding signs posted on public
 0002 streets, highways or other areas in the county, and conform in design, color
 0003 size and placement to the standards established in the most recent edition
 0004 of the "Manual on Uniform Traffic Control Devices for Streets and
 0005 Highways." The county executive or his designee may provide, by [written
 0006 regulation] ~~as provided by Method 3 of Subsection 2A-14(e)(3)~~
 0007 ~~of~~ ~~the~~ ~~code~~ EXECUTIVE ORDER in the form of traffic orders, for the erectio
 0008 n of official signs regulating parking on any privately owned parking facility
 0009 within the county, which parking facility is open to and used by members of t
 0010 he general public for parking in connection with retail commercial establishme
 0011 nts, or other businesses to which the parking facility is appurtenant. Any tr
 0012 affic order issued under this section may require that the owner, tenant or e
 0013 mployees of retail or commercial establishments furnish evidence necessary for
 0014 the enforcement of such order.

0015 31-26. Parking Regulations - Public Parking Facilities.

0016 (a) Except temporarily for the purpose of and while actually engaged in
 0017 loading or unloading passengers or for emergency repairs when the vehicle
 0018 cannot be driven, no person shall park any vehicle on a public parking
 0019 facility:

0020 * * *

0021 (6) For a period longer than twenty-four hours, except when
 0022 otherwise authorized by executive [regulation] ORDER ~~as provided by Method~~
 0023 ~~3 of Subsection 2A-14(d)(3) of the code.~~

0025 31-29. USES PROHIBITED.

0026 * * * *

0028 (B) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) ABOVE, THE COUNTY
 0029 EXECUTIVE SHALL ESTABLISH, BY REGULATION ADOPTED UNDER METHOD (3) OF SECTION
 0030 2A-15 OF THIS CODE, PROCEDURES FOR THE ISSUANCE OF WRITTEN PERMITS FOR THE
 0031 USE OF COUNTY OWNED OR LEASED AND OPERATED PARKING FACILITES FOR STORAGE AND
 0032 OFF-STREET PARKING PURPOSES UNDER THE FOLLOWING CONDITIONS:

- 0033 (1) STORAGE OR PARKING RESTRICTED TO AREAS OF SUCH FACILITIES AS
- 0034 DIRECTED BY THE DEPARTMENT OF TRANSPORTATION.
- 0035 (2) VEHICLE OPERATION AND PARKING WITHIN SUCH FACILITIES FULLY IN

0001 ACCORDANCE WITH COUNTY REGULATIONS INCLUDING THE OBSERVANCE OF POSTED
0002 REGULATIONS AND APPROPRIATE PARKING METER FEES.

0003 (3) THE TERM OF SUCH PERMITS NOT TO EXCEED ONE YEAR AND PROVIDING
0004 NOT LESS THAN THIRTY DAYS' NOTICE OF TERMINATION OR SUSPENSION UPON A
0005 FINDING THAT SUCH ACTION IS NECESSARY TO CARRY OUT THE PURPOSES OF THE
0006 PUBLIC PARKING DISTRICT PROVISIONS OF THIS CODE OR SHORTER NOTICE UPON
0007 OCCASION OF EMERGENCY REPAIRS, DEMOLITION OR OTHER PUBLIC EXIGENCY.

0008 (4) ESTABLISHMENT OF A PERMIT FEE SCHEDULE SUFFICIENT, WHEN
0009 CONSIDERED WITH THE PARKING METER FEE, TO COVER THE OPERATING COST AND
0010 AMORTIZED CAPITAL COSTS OF THE SPACE INVOLVED.

0011

0012 31-30. Snow and ice emergency.

0013 (a) The county executive is hereby authorized from time to time to
0014 designate, by [written regulation] ~~EXECUTIVE ORDER~~ ~~promulgated by Method 3~~
0015 ~~of Section 2A-144(2)(b) of this Code.~~ 'important public parking
0016 facilities of the county, or areas thereof, as snow emergency lots which
0017 shall be marked by snow emergency lot signs.

0018 * * *

0019 31-31. Impounding illegally parked vehicles.

0020 * * *

0021 (b) In any case involving the impoundment of a vehicle pursuant to this
0022 section, an administrative cost not to exceed twenty-five dollars, or such
0023 lesser amount as established from time to time by the county executive by
0024 ~~executive regulation promulgated by~~ ADOPTED UNDER Method (3) pursuant
0025 ~~to~~ OF Section 2A-144(2)(b)15 of this Code, shall be charged to
0026 the owner of the vehicle in addition to all outstanding fines and penalties
0027 assessed pursuant to violations of this article plus any towing or storage
0028 charges incurred.

0029 * * *

0030 31-33. Authority of county executive, establish fees, time limits, etc.

0031 (a)(1) The county executive is hereby authorized to ~~adopt~~
0032 ~~regulations promulgated by~~ ADOPTED UNDER METHOD 2 ~~of Section 2A-~~
0033 ~~Section 2A-144(2)(b) of this Code~~ PROVIDE BY EXECUTIVE ORDER for
0034 the installation, maintenance and operation of parking meters along, and
0035 limiting the time motor vehicles may park on, the streets, highways and

0001 alleys located throughout the county and on public parking facilities
0002 acquired by or leased to and operated by the county, by use of parking
0003 meters or otherwise, and.

0004 (2) THE COUNTY EXECUTIVE MAY ADOPT REGULATIONS UNDER METHOD (3) OF
0005 SECTION 2A-15 OF THIS CODE to prescribe parking meter or other fees for
0006 parking on such parking facilities, streets, highways, alleys.

0007 (3) After the adoption of such regulations, the ~~THE~~ county may
0008 purchase, install, maintain and operate any such parking meters on all
0009 streets, highways, alleys and public parking facilities in accordance with
0010 [such regulations] THE EXECUTIVE ORDER ISSUED UNDER PARAGRAPH (1) OF THIS
0011 SUBSECTION; provided that the location thereof is approved by the county
0012 executive.

0013 * * *

0014 31-46. Impounding illegally parked vehicles.

0015 * * *

0016 (b) In any case involving the impoundment of a vehicle pursuant to this
0017 section, an administrative cost not to exceed twenty-five dollars, or as
0018 shall be established from time to time by the county executive by executive
0019 regulation ~~promulgated by~~ ADOPTED UNDER Method (3) ~~promulgated~~ OF
0020 Section 2A-14(c)(3)15 of this ~~code~~ CODE, shall be charged to the owner
0021 of the vehicle in addition to all outstanding fines and penalties assessed
0022 pursuant to violations of this article plus any towing and storage charges
0023 incurred as a result of impoundment. All such fines, penalties, costs and
0024 charges shall be paid to the county or its agent before the owner or
0025 operator may reclaim or secure the release of the vehicle.

0026 31-48. Parking permit areas.

0027 * * *

0028 (b) The county executive is hereby authorized to designate, by [written
0029 order or] ~~regulation promulgated by ADOPTED UNDER Method (3) promulgated~~
0030 ~~to of Section 2A-14(c)(3)15 of this code code~~ EXECUTIVE ORDER, roads,
0031 streets and other areas within the county in which the parking of vehicles
0032 may be restricted, in whole or in part, during certain specified times, to
0033 holders of valid parking permits issued pursuant to this section. The
0034 county executive shall consider the institution of a parking permit system
0035 upon petition by the residents of a given area. The authority granted

0001 herein shall be in addition to, and may be exercised in conjunction with,
0002 any other authority the county executive may have to regulate the times and
0003 conditions of motor vehicle parking.

0004 * * *

0005 (g) The county executive is authorized to establish[, after due notice
0006 and opportunity for interested parties to be heard,] written regulations
0007 ~~promulgated by~~ ADOPTED UNDER Method (3) ~~presented to~~ (2) OF Section
0008 ~~2A-14(c)(3)~~15 of this ~~code~~ CODE to implement the provisions of this
0009 section.

0010 (h) The county executive is authorized to establish, by written
0011 regulation ~~promulgated by~~ ADOPTED UNDER Method (3) ~~presented to~~ OF
0012 Section ~~2A-14(c)(3)~~ 2A-15 of this ~~code~~ CODE, a parking permit fee for
0013 permits issued pursuant to this section in an amount sufficient to pay the
0014 cost incidental to the issuance of permits authorized by this section.

0015 * * *

0016 31-51. Authority of county executive to administer and enforce chapter,
0017 establish and collect fines.

0018 Pursuant to the provisions of state law, the county executive is hereby
0019 authorized and empowered:

0020 (a) To establish by written regulation ~~promulgated by~~ ADOPTED UNDER
0021 Method (3) ~~presented to~~ OF Section ~~2A-14(c)(3)~~15 of this ~~code~~CODE,
0022 after review by the District Court of Maryland for Montgomery County, a
0023 schedule of fines or other penalties for violations of the provisions or
0024 regulations of this chapter, such fines and penalties not to exceed that
0025 which may be imposed for a Class A violation as set forth in Section 1-19 of
0026 Chapter 1 of the County Code.

0027 (b) To [make,] adopt and amend by written regulation, ~~promulgated by~~
0028 UNDER Method (3) ~~presented to~~ OF Section ~~2A-14(c)(3)~~15 of this
0029 ~~code~~CODE, [such rules, regulations and procedures] as he may deem
0030 necessary or proper for the collection by the department of finance of the
0031 county of all such fines, penalties, costs and other charges imposed by this
0032 chapter and to define any term used in connection with the collection of
0033 said fines, penalties, costs and other charges.

0034 * * *

0035 31-52. Duty and responsibility of the department of finance.

0001
 0002 (e) The director of finance may, in accordance with the procedures
 0003 prescribed by the state motor vehicle administration and state law, give or
 0004 cause to be given notice to said administration of all vehicles registered
 0005 by the state and the subject of any outstanding and past due parking
 0006 violation of this code and request that the administration refuse
 0007 registration or transfer of registration of the subject vehicle, until
 0008 notified by the county that said violation has been satisfied.

0009 In such cases, the director of finance may impose an additional cost of
 0010 ten dollars, or as may be otherwise established from time to time by the
 0011 county executive ~~by executive regulation promulgated by~~ ADOPTED UNDER
 0012 ~~Method (3) promulgated by~~ OF Section 2A-14(e)(3)15 of this ~~code~~ CODE,
 0013 for each registration withheld; and the owner of the vehicle shall be
 0014 subject to payment of such costs, and all other fines, penalties and charges
 0015 before notice is given to the administration that the subject violation has
 0016 been satisfied and the registration is released.
 0017 31-57. Failure to pay or comply; penalty in addition to fine.

0018 (a) In the event said owner or operator fails to comply with the
 0019 preceding sections and the instructions provided on a notice of violation
 0020 within the period prescribed by this article, the fine for such violation
 0021 shall be increased by an additional penalty not to exceed ten dollars, or as
 0022 shall otherwise be established from time to time by written regulation of
 0023 the county executive ~~promulgated by~~ ADOPTED UNDER ~~Method (3) promulgated~~
 0024 ~~by~~ OF Section 2A-14(e)(3)15 of this ~~code~~ CODE.

0025 * * *

0026 31-58. Dishonored check charges.

0027 Whenever any check or draft tendered to the county in payment of any
 0028 fine, penalty, cost or other charge as provided in this chapter is
 0029 dishonored by a bank or otherwise returned as uncollectible, a charge of ten
 0030 dollars, or as may be otherwise established from time to time by the county
 0031 executive ~~by executive regulation promulgated by~~ ADOPTED UNDER ~~Method (3)~~
 0032 ~~promulgated by~~ OF Section 2A-14(e)(3)15 of this ~~code~~ CODE, may be
 0033 imposed and added to the amount due in order to defray the cost of its
 0034 collection. In such cases, the county may require that the total amount due
 0035 be paid in the form of a certified check or money order.

0001 31-62. Impounding or immobilizing vehicles after enumerated violations
0002 generally.

0003 * * *

0004 (c) In any case involving the impoundment or immobilization of a
0005 vehicle pursuant to this section, an administrative cost not to exceed
0006 twenty-five dollars, or such lesser amount as established from time to time
0007 by the county executive ~~by executive regulation provided by~~ ADOPTED
0008 UNDER Method (3) ~~provided by~~ OF Section 2A-14(c)(3)15 of this
0009 ~~code~~CODE, shall be charged to the owner or operator of the vehicle in
0010 addition to all outstanding fines and penalties assessed pursuant to
0011 violations of this chapter plus any towing and storage costs incurred. All
0012 such fines, penalties, cost and charges shall be paid to the county before
0013 the owner may reclaim or secure the release of the vehicle.

0014 Sec. 37. Sections 31A-3(a), 31A-4(b) and 31A-8 of Chapter 31A, title
0015 "Motor Vehicle Repair and Towing Registration" be and hereby are amended to
0016 read as follows:

0017 31A-3. Application fee.

0018 (a) Any person, firm or corporation desiring to be engaged in business
0019 to repair, maintain or tow motor vehicles or install, repair or maintain
0020 motor vehicle equipment in the county shall register on the form provided by
0021 the county. Each application filed shall be accompanied by an application
0022 fee in the amount established by the county executive by written regulation
0023 ~~provided by~~ ADOPTED UNDER Method (3) ~~provided by~~ OF Section
0024 ~~2A-14(c)(3)~~ 2A-15 of this ~~code~~ CODE. The county executive shall
0025 establish a sliding scale for such fees based on the number of employees
0026 engaged in repair work and with incentive to participate in voluntary
0027 certification through the National Institute for Automotive Service
0028 Excellence. This provision shall not be construed to require the
0029 registration of employees.

0030 * * *

0031 31A-4. Certificate - Issuance; term; renewal; display.

0032 * * *

0033 (b) Registration certificates issued pursuant to this chapter shall be
0034 valid for an initial period of one year from date of issuance; renewal
0035 certificates shall be valid for a period of three years. Applicants for

renewal shall make application therefor at least thirty days prior to the expiration of their registration and pay such fee as is established by the county executive by written regulation ~~promulgated by~~ ADOPTED UNDER Method (3) ~~promulgated to~~ OF Section 2A-14(c)(2)15 of this ~~code~~ CODE.

* * *

31A-8. Adoption of additional [rules and] regulations.

[Following a public hearing held after reasonable notice, the] The county executive is hereby authorized to adopt ~~add/promulgate by~~ UNDER Method (2) / [in accordance with the procedure prescribed by [law] OF Section 2A-14(c)(2)15 of this ~~code~~ CODE, written [rules and] regulations necessary for the implementation of the provisions of this chapter.

Sec. 38. Sections 31B-3(d) and (e), 31B-10, 31B-12 and 31B-13 of Chapter 31B, title "Noise Control", be and hereby are amended to read as follows:

31B-3. Administration of Chapter

* * *

(d) Within six months after the effective date of this chapter, the county executive, with the advice and assistance of the director, the noise control advisory board and other appropriate governmental agencies, shall establish in writing the following:

(1) [Rules, regulations and procedures] REGULATIONS to be used in measuring noise levels set forth in this chapter.

(2) Such other noise control [rules,] regulations and standards as the county executive, with the advice and assistance of the director and the noise control advisory board, may deem necessary and proper to accomplish the purposes and intent of this chapter including when appropriate, rules, regulations or standards promulgated by the state or federal government as well as [rules,] regulations or standards revising the noise limits set forth in this chapter, if such revisions are deemed necessary.

(3) Any such [rule,] regulation or standard shall be established by the county executive, by executive regulation ~~promulgated by~~ ADOPTED UNDER Method ~~(2)~~⁽³⁾ ~~promulgated to~~ OF Section 2A-14(c)(2)15 of this ~~code~~ CODE, only after the county executive or his designee, after reasonable notice to the public, shall have conducted a public hearing, at which

0001 hearing all interested persons shall be given an opportunity to testify and
0002 to submit alternative proposals for consideration. In no case shall such
0003 [rule,] regulation or standard become effective prior to October 1, 1976.

0004

0005 (E)(1) WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS CHAPTER, THE
0006 COUNTY EXECUTIVE, WITH THE ADVICE AND ASSISTANCE OF THE DIRECTOR AND THE
0007 NOISE CONTROL ADVISORY BOARD, SHALL PROPOSE [IN WRITING] REGULATIONS, {AND}
0008 INCLUDING STANDARDS, FOR THE CONTROL OF NOISE DUE TO CONSTRUCTION, REPAIR OR
0009 DEMOLITION OF STRUCTURES OR FACILITIES WITHIN EIGHT HUNDRED FEET OF OCCUPIED
0010 RESIDENTIAL USES OR WITHIN FOUR HUNDRED FEET OF OCCUPIED COMMERCIAL USES.

0011 (2) ANY REGULATION ADOPTED UNDER THIS SUBSECTION SHALL BE ADOPTED
0012 UNDER METHOD (2) OF SECTION 2A-15 OF THIS CODE.

0013

0014 31B-10. NOISE SENSITIVE AREAS.

0015 WHENEVER THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE SO
0016 REQUIRE, THE COUNTY EXECUTIVE [AFTER A DULY ADVERTISED PUBLIC HEARING AND]
0017 WITH THE ADVICE OF THE DIRECTOR AND THE NOISE CONTROL ADVISORY BOARD, MAY
0018 DESIGNATE, IN [WRITING] EXECUTIVE REGULATIONS ADOPTED UNDER METHOD (2) OF
0019 SECTION 2A-15 OF THIS CODE, ANY GEOGRAPHICAL AREA OF THE COUNTY AS A NOISE
0020 SENSITIVE AREA IN WHICH CERTAIN NOISE PRODUCING ACTIVITIES MAY BE PROHIBITED
0021 EFFECTIVE OCTOBER 1, 1976. SUCH DESIGNATION SHALL INCLUDE A DESCRIPTION OF
0022 THE SUBJECT AREA BY REFERENCE TO NAMED STREETS, THE REASONS FOR
0023 DETERMINATION AS A NOISE SENSITIVE AREA AND A LIST OF THOSE ACTIVITIES
0024 WHICH, IF UNDERTAKEN IN SUCH AREA, WOULD CONSTITUTE UNNECESSARY NOISE. SUCH
0025 DESIGNATION MAY BE LIMITED TO SPECIFIED TIMES OR DAYS OF THE WEEK. IN CASES
0026 WHERE THE LIMITATIONS IMPOSED BY EXECUTIVE REGULATION, [PROMULGATED] ADOPTED
0027 UNDER AUTHORITY GRANTED HEREIN, ARE MORE STRINGENT THAN THOSE PRESCRIBED BY
0028 RESTRICTIONS WITHIN THIS CHAPTER, SUCH REGULATIONS SHALL CONTROL WITHIN SUCH
0029 NOISE SENSITIVE AREAS.

0030

0031

* * *

0032

0033 31B-12. Temporary exemptions.

0034 The director is hereby authorized to grant a temporary exemption from
0035 the maximum permissible sound levels established by this chapter if such

0001 temporary exemption would be in the public interest. An application for a
 0002 temporary exemption shall be accompanied by a fee determined by written
 0003 regulation of the county executive, ~~provided by~~ ADOPTED UNDER Method
 0004 ~~2/submit/10~~ (3) OF Section 2A-111(1)(2)15 of this ~~code~~ CODE, in an
 0005 amount sufficient to defray the administrative costs of processing the
 0006 application. Upon receipt of an application for a temporary exemption, the
 0007 director shall give public notice of the application and the fact that any
 0008 adversely affected party may request a public hearing on the application. A
 0009 temporary exemption must be in writing, signed by the director or his
 0010 appointed representative and must set forth the name of the party to whom
 0011 the exemption is granted, the description and location of the property for
 0012 which the exemption is authorized, the maximum sound level permitted and the
 0013 period of time during which the exemption shall be effective and any other
 0014 conditions or qualifications deemed necessary for the protection of the
 0015 public. A temporary exemption shall be granted only for a reasonable period
 0016 of time in view of all the facts and circumstances. A temporary exemption
 0017 shall not be renewable and shall not be granted more than three times in any
 0018 one calendar year with respect to a given property and location. In no case
 0019 shall the holder of a temporary exemption be authorized to exceed the
 0020 maximum permissible sound levels established by this chapter by more than 25
 0021 dB(A).

0022 31B-13. Special exemptions.

0023 In addition to temporary exemptions provided for in section 31B-12 of
 0024 this chapter, the director is hereby authorized to grant a special exemption
 0025 from compliance with any or all of the requirements of this chapter in the
 0026 event of hardship or if such exemption would otherwise be in the public
 0027 interest. An application for a special exemption shall be accompanied by a
 0028 fee determined by written regulation of the county executive, ~~provided~~
 0029 ~~by~~ ADOPTED UNDER Method ~~2 submit/10~~ (3) OF Section 2A-111(1)(2)
 0030 15 of this ~~code~~ CODE, in an amount sufficient to defray the
 0031 administrative costs of processing the application. Upon receipt of an
 0032 application for a special exemption, the director shall give public notice
 0033 of the application and the fact that any adversely affected party may
 0034 request a public hearing on the application.

0035 Sec. 39. Sections 33-3(b), 33-7(b), 33-9(a), 33-12(b), 33-13,

0001 33-13A(d), 33-19(b), 33-47(b), 33-77 and 33-86(g) and (j) of Chapter 33,
0002 title "Personnel", be and hereby are amended to read as follows:

0003 33-3. Continuation and administration of merit system.

0004 * * *

0005 (b) The merit system shall be administered by the chief administrative
0006 officer, under the direction of the county executive, and shall be governed
0007 by and subject to the provisions of the charter for Montgomery County,
0008 Maryland, 1978, as amended, provisions of this chapter, and the personnel
0009 regulations [adopted by the county executive [and approved by the county
0010 council] UNDER METHOD (1) OF SECTION 2A-15 OF THIS CODE.

0011 33-7. County executive and merit system protection board responsibilities.

0012 * * *

0013 (b) Personnel regulations. The county executive[, after a public
0014 hearing,] shall adopt or amend personnel regulations ~~by Method 1,~~
0015 [subject to county council approval] ~~ADOPTED UNDER METHOD (1)~~
0016 ~~OF Section 2A-14(c)(1)15 of this Code~~ CODE. [The regulations shall be
0017 deemed approved 45 days following receipt by the council if by that time the
0018 council has not acted upon the regulations in some manner, including a
0019 resolution to extend, for not more than 30 days, the time for its following
0020 approval. Promptly following approval, the county executive shall cause to
0021 be published once in one newspaper of general circulation published in the
0022 county a brief summary of the regulation so adopted, together with a
0023 statement of its effective date and of the place where a copy thereof may be
0024 promptly obtained.] The requirement of public hearing[, county
0025 council approval and publication] shall not apply to regulations adopted
0026 upon declaration of an emergency, unless the substance of the regulations
0027 had been the subject of previous emergency regulations. [A summary of
0028 emergency regulations shall be published promptly after adoption and in the
0029 same manner described above. [Emergency regulations shall cease to be
0030 effective and shall be of no further force or effect on or after the 61st
0031 day following their adoption.]

0032 The personnel regulations shall provide the framework for:

0033 (1) The classification of all merit system positions in the
0034 executive and legislative branches;

0035 (2) Minimum qualifications for merit system positions, methods of

determining qualifications and methods of selection for any positions;

(3) Probationary periods, promotions, transfers;

(4) Causes for removal from any merit system position and methods of removal, including demotions, furloughs and reduction of staff;

(5) Annual, sick and other leave;

(6) Prohibitions against political activity;

(7) Maintenance of personnel records; and

(8) Similar personnel matters as may be provided by law.

* * *

33-9. Equal Employment Opportunity and Affirmative Action.

(a) Policy. The county's policy shall be to take all personnel actions on the basis of merit and fitness without regard to political affiliation or non-merit factors, and without regard to other factors as may be provided for in Chapter 27 "Human Relations and Civil Liberties" such as sex, marital status, race, religion, national origin, age or handicap. The chief administrative officer shall be responsible for initiating, developing and maintaining such an equal employment opportunity and affirmative action program as necessary to insure all persons an equal opportunity to enter and progress in the county's service on the basis of open competition and demonstrated ability. The county executive is authorized to issue such [rules and] regulations, ~~promulgated by~~ ADOPTED UNDER Method 2 ~~presented to~~ (1) OF Section 2A-14(c)(2) 15 of this code CODE, as necessary to implement this policy. Such regulations shall provide that an employee whose personal religious beliefs require the abstention from work during certain periods of time may elect to engage in an alternate work schedule in order to meet those religious requirements. The regulation shall include provision for any employee who elects to work an alternate schedule to be obligated to work an equal period of time to that taken off for such religious reasons.

* * *

33-12. Appeals of disciplinary actions; grievance procedures.

* * *

(B) GRIEVANCES. A GRIEVANCE IS A FORMAL COMPLAINT ARISING OUT OF A MISUNDERSTANDING OR DISAGREEMENT BETWEEN A MERIT SYSTEM EMPLOYEE AND SUPERVISOR WITH REFERENCE TO A TERM OR CONDITION OF EMPLOYMENT. THE

0001 DETERMINATION OF THE BOARD AS TO WHAT CONSTITUTES A TERM OR CONDITION OF
 0002 EMPLOYMENT SHALL BE FINAL. GRIEVANCES DO NOT INCLUDE THE FOLLOWING:
 0003 CLASSIFICATION ALLOCATIONS, EXCEPT DUE PROCESS VIOLATIONS; FAILURE TO
 0004 REEMPLOY A PROBATIONARY EMPLOYEE; OR OTHER EMPLOYMENT MATTERS FOR WHICH
 0005 ANOTHER FORUM IS AVAILABLE TO PROVIDE RELIEF OR THE BOARD DETERMINES ARE NOT
 0006 SUITABLE MATTERS FOR THE GRIEVANCE RESOLUTION PROCESS. A GRIEVANCE SHALL
 0007 INCLUDE TERMINATION BY RESIGNATION WHICH IS FOUND BY THE BOARD TO HAVE BEEN
 0008 SUBMITTED UNDER CIRCUMSTANCES WHICH CAUSE THE RESIGNATION TO BE INVOLUNTARY;
 0009 IN THE EVENT OF SUCH A FINDING, THE BOARD SHALL REQUIRE THE APPOINTING
 0010 AUTHORITY TO SUBSTANTIATE THE TERMINATION AS IN THE CASE OF A REMOVAL. THE
 0011 COUNTY EXECUTIVE SHALL PRESCRIBE, IN THE PERSONNEL REGULATIONS ADOPTED UNDER
 0012 METHOD (1) OF SECTION 2A-15 OF THIS CODE, PROCEDURES WHICH SEEK TO SECURE AT
 0013 THE LOWEST POSSIBLE LEVEL A FAIR, PROMPT AND MUTUALLY SATISFACTORY
 0014 RESOLUTION TO GRIEVANCE. IN PROVIDING THESE PROCEDURES, THE COUNTY
 0015 EXECUTIVE SHALL ENSURE THAT ANY GRIEVANCE BASED UPON AN ALLEGED IMPROPER
 0016 APPLICATION OF A MERIT SYSTEM LAW OR REGULATION CONCERNING A DISPUTED ISSUE
 0017 OF FACT IS ENTITLED TO RESOLUTION AFTER A FACT-FINDING INQUIRY AUTHORIZED BY
 0018 THE BOARD. GRIEVANCES BASED UPON AN ALLEGED IMPROPER INTERPRETATION OF
 0019 MERIT SYSTEM LAWS OR REGULATIONS DO NOT REQUIRE A HEARING DURING THE
 0020 GRIEVANCE RESOLUTION PROCESS.

0021 * * *

0022 33-13. Appeal procedures.

0023 The county executive shall prescribe by personnel regulations,

0024 ~~prescribed by~~ ADOPTED UNDER Method (1) ~~of Section~~
 0025 ~~2A-14(d)(1)~~ 2A-15 of this ~~code~~ CODE, procedures covering appeals,

0026 including grievances which shall include the time limit for filing such
 0027 appeal, the granting of administrative leave pending appeal, filing and cost
 0028 of the administrative record, conduct of hearings, requirements for written
 0029 notice, special evidentiary proceedings in cases where the remedy of
 0030 employee reinstatement was a contested and unresolved issue in an ordinary
 0031 appeal hearing and provisions for summary actions by the board.

0032
 0033 33-13A. AUDITS, INVESTIGATIONS AND INQUIRIES.

0034 * * *

0035 (D) DESIGNATE, WITH THE APPROVAL OF THE COUNCIL, AN ALTERNATE SPECIAL

0001 PERSONNEL INVESTIGATOR FOR MATTERS IN WHICH HE HAS A CONFLICT OF INTEREST OR
0002 IS OTHERWISE UNABLE TO PURSUE.

0003 THE SPECIAL PERSONNEL INVESTIGATOR SHALL BE APPOINTED BY THE COUNTY
0004 COUNCIL FOR A TERM OF FIVE YEARS, OR UNTIL HIS SUCCESSOR IS APPOINTED AND
0005 QUALIFIED, SUBJECT TO REMOVAL AT THE PLEASURE OF THE COUNCIL AND UPON THE
0006 VOTE OF FIVE MEMBERS OF THE COUNCIL; SHALL HAVE EXPERIENCE IN LAW OR
0007 PERSONNEL MATTERS; SHALL BE PAID A PER DIEM FEE AS SET FORTH BY CONTRACT
0008 WITH THE COUNTY; AND SHALL BE REIMBURSED FOR NECESSARY EXPENSES.

0009 WHEN AN AUDIT, INVESTIGATION OR INQUIRY GIVES THE BOARD CAUSE TO BELIEVE
0010 THAT THE MERIT SYSTEM HAS NOT BEEN ADMINISTERED IN ACCORDANCE WITH THE
0011 PROVISIONS OF THIS CHAPTER OR REGULATIONS PROMULGATED PURSUANT THERETO, THE
0012 BOARD MAY REFER THE MATTER TO AN APPROPRIATE INVESTIGATIVE ENTITY, INCLUDING
0013 THE SPECIAL PERSONNEL INVESTIGATOR, AT THE BOARD'S OPTION. WHERE A
0014 COMPLAINT IS FILED BY THE SPECIAL PERSONNEL INVESTIGATOR, OR ON ITS OWN
0015 MOTION, THE BOARD MAY HOLD A HEARING AND ISSUE A DECISION ORDERING SUCH
0016 CORRECTIVE ACTION AS IT DETERMINES TO BE NECESSARY, INCLUDING THOSE REMEDIES
0017 PROVIDED IN SECTION 33-14(C). WHERE THE BOARD HOLDS A HEARING ON ITS OWN
0018 MOTION, THE BOARD'S STAFF OR THE SPECIAL PERSONNEL INVESTIGATOR SHALL BE THE
0019 CHARGING PARTY. IN ANY HEARING, THE RESPONDING PARTY SHALL INCLUDE ALL
0020 INDIVIDUALS WHO MAY BE ADVERSELY AFFECTED. ALL INVESTIGATORY PROCEEDINGS
0021 UNDER THIS SECTION SHALL INCLUDE DUE PROCESS PROTECTIONS CONSISTENT WITH THE
0022 PURPOSES OF THIS CHAPTER AND PROCEDURES SHALL BE INCLUDED IN THE PERSONNEL
0023 REGULATIONS [APPROVED BY THE COUNCIL PURSUANT TO SECTION 33-7(b) OF THE
0024 MONTGOMERY COUNTY CODE, 1972, AS AMENDED,] ADOPTED UNDER METHOD (1) OF
0025 SECTION 2A-15 OF THIS CODE, WHICH SPECIFY THESE PROTECTIONS IN FURTHER
0026 DETAIL. NOTHING HEREIN SHALL BE CONSTRUED TO PROHIBIT THE BOARD FROM
0027 INITIATING AND ACTING UPON AUDITS, INVESTIGATIONS OR INQUIRIES UNTIL SUCH
0028 REGULATIONS ARE ADOPTED.

0029 * * *

0030 (B) THE COUNTY EXECUTIVE SHALL [PROMULGATE] ADOPT EXECUTIVE REGULATIONS
0031 [SUBJECT TO COUNCIL APPROVAL] UNDER METHOD (1) OF SECTION 2A-15 OF THIS CODE
0032 FOR THE IMPLEMENTATION OF THIS SECTION. THESE REGULATIONS SHALL ASSURE THAT
0033 THE COUNTY'S DEPENDENT CARE ASSISTANCE PLAN IS IN CONFORMANCE WITH UNITED
0034 STATES INTERNAL REVENUE SERVICE REQUIREMENTS.
0035

0001 33-47. Administration by chief administrative officer.

0002

* * *

0003 (b) [Rules and regulations] REGULATIONS for administration. The [chief

0004 administrative officer] county executive shall establish [rules and]

0005 regulations, ~~promulgated by~~ ADOPTED UNDER Method 2/~~promulgated~~/to (1) OF

0006 Section 2A-15 of this

0007 ~~2A-14(c)(2) is of this code~~ CODE, for the administration of the retireme

0008 nt system, within the limitations of this article[, and]. The

0009 chief administrative officer may engage actuarial and other services and

0010 incur expenses as required to transact the business of the retirement system.

0011

* * *

0012 ~~V33-76JY/33-74HJ~~ 33-86. Deduction for child support.

0013

* * *

0014 (g) Director's duties

0015 The director, upon receipt of the clerk's determination shall,

0016 unless contrary to law, court rule, or the provisions of a collectively

0017 bargained agreement, deduct the specified amount from the paycheck of the

0018 payor and transfer same to the clerk. The clerk shall then forward the

0019 amount of the payment directly to the payee. The director may also deduct

0020 from the amount of the support payment, a fee, established by executive

0021 regulation by the county executive [promulgated] ~~by~~ ADOPTED UNDER Method

0022 2/~~promulgated~~/to (3) OF Section 2A-~~14(c)~~ 15 of this code CODE, not to

0023 exceed the reasonable costs of implementing the determination of the clerk.

0024

* * *

0025 (J) EXECUTIVE REGULATIONS.

0026 THE COUNTY EXECUTIVE IS AUTHORIZED TO [PROMULGATE] ADOPT REGULATIONS,

0027 [SUBJECT TO COUNTY COUNCIL APPROVAL] UNDER METHOD (1) OF SECTION 2A-15 OF

0028 THIS CODE, FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

0029

0030 33-77. Permanent umpire.

0031 (a) There is hereby created the position of Permanent Umpire, so as to

0032 provide for the effective implementation and administration of Sections

0033 33-79 and 33-82 of this Article concerning selection, certification and

0034 decertification procedures and prohibited practices. The Permanent Umpire

0035 shall exercise the following powers and perform the following duties and

0001 functions:

0002 (1) Adopt[, amend and rescind, from time to time,] ~~in the manner~~
 0003 ~~described in Section 2A-14(c)(2)~~, [such rules,] regulations [and
 0004 procedures], UNDER METHOD (1) OF SECTION 2A-15 OF THIS CODE, for the
 0005 implementation and administration of Sections 33-79 and 33-82 as are
 0006 consistent with this Article;

0007 * * *

0008 Sec. 40. Sections 35-3(c), 35-13A and 35-14(e) of Chapter 35, title
 0009 "Police", be and hereby are amended to read as follows:
 0010 35-3. Same - Powers and duties.

0012 * * *

0013 (c) [Promulgation of rules,] ADOPTION OF regulations, orders, etc.,
 0014 generally. The [~~director of police~~]/~~county executive~~ shall
 0015 [promulgate] ~~by~~ ADOPT UNDER Method (2) ~~promulgate~~ OF Section
 0016 ~~2A-14(c)(2)~~ 2A-15 of this code CODE, all [rules and] regulations for
 0017 the county which pertain to the work of the department of police. [and] THE
 0018 DIRECTOR shall issue such additional instructions and [promulgate] ADOPT
 0019 such orders[, rules]and [~~regulations~~] ADMINISTRATIVE PROCEDURES, not
 0020 inconsistent with law, as deemed proper in the exercise of the functions of
 0021 chief executive officer of the department of police.

0022 * * *

0023 35-13A. Anti-Hate/Violence Fund.

0024 (a) There is created within the Department of Police the
 0025 Anti-Hate/Violence Fund, to be administered and applied pursuant to
 0026 regulations [promulgated] ADOPTED by the County Executive ~~by~~ UNDER Method
 0027 (2) ~~promulgate~~ OF Section 2A-14(c)(2) 15 of this code CODE, in
 0028 exchange for information leading to the arrest or apprehension for
 0029 commission within Montgomery County of any act described in Section 27-26A
 0030 of the County Code or proscribed by Sections 10A or 111 of Article 27,
 0031 Annotated Code of Maryland.

0032 * * *

0033 35-14. Generally

0034 * * *

0035 (e) The county [personnel] merit system protection board may adopt

0001 [rules and] regulations within the limitations of this article and the
 0002 Employees' Retirement System Ordinance contained in chapter 33 of this Code
 0003 to govern the implementation of the provisions of the police relief and
 0004 retirement fund. These regulations ~~shall be [adopted/provided by~~
 0005 UNDER Method 2 (3) ~~in the chapter/section/in~~ OF Section
 0006 ~~2A-14(d)(2)~~ 15 of this ~~code~~ CODE and shall be made in appendant of the
 0007 personnel regulations.

* * *

0009 Sec. 41. Sections 38A-4 and 38A-11 of Chapter 38A, title "Radio,
 0010 Television and Electrical Appliance Installation and Repair", be and hereby
 0011 are amended to read as follows:

0012 38A-4. Same - Issuance; bond.

0013 The director shall issue a certificate of registration to applicants
 0014 qualified pursuant to section 38A-3, upon payment of the registration fee
 0015 established by executive regulation ~~providing~~ ADOPTED by the county
 0016 executive ~~by~~ UNDER Method 2 (3) ~~providing~~ OF Section
 0017 ~~2A-14(d)(2)~~ 15 of this ~~code~~ CODE, and upon delivery to the county of a
 0018 cash bond or a corporate bond executed by a surety company qualified to
 0019 transact business in the state in the amount of two thousand dollars. The
 0020 cash or corporate bond shall be conditioned upon the registrant's performing
 0021 all work done for consumers in the county in accordance with this Code and
 0022 laws of the county and state and shall provide that the county or any person
 0023 damaged by failure of the registrant to comply with such Code and laws may
 0024 proceed against such bond in any court of competent jurisdiction.

0025 The director shall immediately revoke the certificate of registration
 0026 upon failure of any registrant to maintain such bond.

0027 38A-11. Adoption of [rules and] regulations.

0028 The county executive is hereby authorized to adopt ~~and provide by~~
 0029 UNDER Method (2)[, in accordance with the procedure prescribed by [law]
 0030 OF Section ~~2A-14(d)(2)~~ 15 of this ~~code~~ CODE, written [rules and]
 0031 regulations necessary for the implementation of the provisions of this
 0032 chapter, following public hearing on reasonable notice.

0033 Sec. 42. Section 39-7 of Chapter 39, title "Rat Control", be and hereby
 0034 is amended to read as follows:

0035 39-7. Regulations.

0001 The county executive is hereby authorized to adopt, ~~and promulgate by~~
0002 UNDER Method (2) ~~promulgate to~~ OF Section 2A-14(e)(2) 15 of this
0003 ~~code~~/CODE, and enforce such [rules and] regulations as he may from time
0004 to time find necessary to [promulgate] ADOPT to carry out the purposes
0005 of [this chapter to protect the public health, safety and welfare.

0006 Sec. 43. Sections 41-4 and 41-23 of Chapter 41, title "Recreation and
0007 Recreation Facilities", be and hereby are amended to read as follows:

0008 41-4. Adoption of rules and regulations.

0009 In order to carry out the objectives of this chapter, the county
0010 executive is hereby authorized[, pursuant to the procedures prescribed by
0011 ~~law Section 2A-14(e)(2) of this code~~ to adopt ~~by Method 2~~ and
0012 amend, from time to time, [rules and] regulations, UNDER METHOD (2) OF
0013 SECTION 2A-15 OF THIS CODE, for the government and use of all land,
0014 buildings and other recreational facilities acquired or constructed by or
0015 committed to the care or supervision of the county hereunder. Such [rules
0016 and] regulations may include provisions limiting the use of any such
0017 recreational facility for reasons of health, safety, comfort or morals; for
0018 fees for the use of any such facility or service in connection therewith,
0019 provided, that such fees shall not exceed the cost of providing the same;
0020 for the issuance of permits by the director of recreation to individuals or
0021 groups of individuals for the use of any such facility, which permits may
0022 grant exclusive use thereof or limit the permittee to a particular area or
0023 facility.

0024 41-23. Same - officers; committees; by-laws; meetings; quorum; compensation
0025 of members.

0026 (a) The chairperson of the County Recreation Board shall be elected by
0027 the membership annually. The County Recreation Board is authorized to elect
0028 other officers, to establish committees of its members and to adopt by-laws
0029 and ~~promulgate by Method 2~~ [rules and] ADOPT regulations, ~~in the~~ UNDER
0030 METHOD (2) OF ~~which is defined in~~ Section 2A-14(e)(2) 15 of this
0031 ~~code~~ CODE, for the conduct of its affairs as it deems desirable.

0032 * * *

0033 Sec. 44. Sections 41A-2(a), 41A-3(c) and (e), 41-7(a), 41-9(a) and
0034 41A-12 of Chapter 41A, title "Rent Supplement and Assistance Programs", be
0035 and hereby are amended to read as follows:

0001 41A-2. Eligibility for rent supplement.

0002 (a) Rent supplement for tenants in the form of grants authorized under
0003 this chapter may be allowed to any tenant who meets the following conditions:

0004 * * *

0005 (4) The combined gross income shall not exceed an income limit
0006 specified by executive regulation, ~~promulgated~~ ADOPTED by the county
0007 executive ~~by~~ UNDER Method (1) ~~promulgated~~ OF Section 2A-1A(1)(1) 15
0008 of this ~~code~~ CODE; however, incomes in excess of the income limit shall
0009 be entitled to a partial rent supplement as specified in paragraph 41A-3(c).
0010 41A-3. Rent supplement amount, calculation, method of payment, rules and
0011 regulations.

0012 * * *

0013 (c) The amount of the rent supplement shall be three percentum (3%) of
0014 the difference between a calculation base specified by executive regulation,
0015 ~~promulgated by the county executive by~~ ADOPTED UNDER Method (1)
0016 ~~promulgated~~ OF Section 2A-1A(1)(1) 15 of this ~~code~~ CODE, and the
0017 combined gross income. When the combined gross income exceeds the income
0018 limit, the rent supplement amount calculated under the above formula shall
0019 be reduced by 25% of the excess of such income above the income limit.

0020 * * *

0021 (e) The county executive may [promulgate] ADOPT ~~by Method 1~~
0022 [administrative rules and] regulations, ~~promulgated~~ UNDER METHOD (1) OF
0023 Section 2A-1A(1)(1) 15 of this ~~code~~ CODE, necessary to administer this
0024 chapter.

0025
0026 41A-7. RENTAL ASSISTANCE PROGRAM FOR HANDICAPPED PERSONS NEEDING SUPPORTING
0027 SERVICES.

0028 (A) PURPOSE. THE PURPOSE OF THIS ARTICLE IS TO PROVIDE RENTAL
0029 ASSISTANCE TO HANDICAPPED PERSONS NEEDING SUPPORTING SERVICES, SUCH PERSONS
0030 BEING UNABLE TO LIVE INDEPENDENTLY OF SUCH SERVICES, AND WHOSE INCOME MEETS
0031 REQUIREMENTS ESTABLISHED BY [THE MONTGOMERY COUNTY HOUSING OPPORTUNITIES
0032 COMMISSION IN ACCORDANCE WITH CRITERIA ESTABLISHED PURSUANT TO SECTION 8 OF
0033 THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 (42 USC 14 378(8)(2), AS
0034 AMENDED] THE COUNTY EXECUTIVE UNDER METHOD (1) OF SECTION 2A-15 OF THIS CODE.

0035 * * *

0001 41A-9. ELIGIBILITY FOR RENTAL ASSISTANCE.

0002 ELIGIBILITY FOR RENTAL ASSISTANCE UNDER THIS ARTICLE SHALL EXTEND TO
0003 THOSE HANDICAPPED PERSONS WHO:

0004 (A) MEET THE INCOME REQUIREMENTS OF REGULATIONS [PROMULGATED] ADOPTED
0005 BY THE COUNTY EXECUTIVE [AND APPROVED BY THE COUNTY COUNCIL] UNDER METHOD
0006 (1) OF SECTION 2A-15 OF THIS CODE; AND

0007

0008 41A-12. Amount of rental assistance.

0009 [The amount of rental assistance hereunder shall be calculated on a
0010 monthly basis by adjusting the recipient's monthly gross income by
0011 subtracting any medical expenses allowed under the regulations of the
0012 Housing Opportunities Commission and multiplying the difference by 25% and
0013 then subtracting the product from the recipient's actual monthly rent. In no
0014 event can the combined total of the monthly rental assistance payment and
0015 the recipient's monthly share of the rent exceed \$150.00 per individual per
0016 month. The monetary figure mentioned above shall be reviewed annually and
0017 modified, if necessary, by regulation [promulgated] ADOPTED by the county
0018 executive ~~by~~ UNDER Method (1) ~~promulgated to~~ OF Section 2A-~~14(d)(1)~~ 15 of this
0019 ~~code~~ CODE.]

0020 THE AMOUNT OF RENTAL ASSISTANCE HEREUNDER SHALL BE CALCULATED ON A
0021 MONTHLY BASIS BY ADJUSTING THE RECIPIENT'S MONTHLY GROSS INCOME BY
0022 SUBTRACTING ANY MEDICAL EXPENSES ALLOWED UNDER THE EXECUTIVE REGULATIONS AND
0023 MULTIPLYING THE DIFFERENCE BY 25% AND THEN SUBTRACTING THE PRODUCT FROM THE
0024 RECIPIENT'S ACTUAL MONTHLY RENT. IN NO EVENT CAN THE COMBINED TOTAL OF THE
0025 MONTHLY RENTAL ASSISTANCE PAYMENT AND THE RECIPIENT'S MONTHLY SHARE OF THE
0026 RENT EXCEED \$200.00 PER INDIVIDUAL PER MONTH. THE MONETARY FIGURE MENTIONED
0027 ABOVE SHALL BE REVIEWED ANNUALLY AND MODIFIED, IF NECESSARY, BY REGULATION
0028 [PROMULGATED] ADOPTED BY THE COUNTY EXECUTIVE [AND APPROVED BY THE COUNTY
0029 COUNCIL] UNDER METHOD (1) OF SECTION 2A-15 OF THIS CODE.

0030 Sec. 45. Sections 44-3(a)(5) and 44-22 of Chapter 44, title "Schools
0031 and Camps", be and hereby are amended to read as follows:

0032 44-3. Interagency coordinating board.

0033 (a) There is hereby established the interagency coordinating board for
0034 community educational services, the principal responsibility of which shall
0035 be to review and coordinate the activities conducted under this article.

0001 This responsibility shall include:

0002 * * *

0003 (5) Adopt ~~by Method 1~~ [rules or] regulations, ~~in the code~~
0004 ~~described in~~ UNDER METHOD (2) OF Section 2A-14(c)(2) 15 of this
0005 ~~code~~ CODE, as may be necessary to implement the requirements of this act;
0006 and
0007 44-22. License fees.

0008 Annual fees for licenses issued under this division shall be of such an
0009 amount as the county executive, by regulation ~~promulgated by~~ ADOPTED
0010 UNDER Method (3) ~~promulgated to~~ OF Section 2A-14(c)(3) 15 of this ~~code~~
0011 CODE, may set from time to time. The fees shall not exceed the cost of
0012 inspection and issuing the permits for the various establishments regulated
0013 by this chapter. The permit fee so fixed shall be submitted with the
0014 application and is not refundable in whole or in part unless the application
0015 is withdrawn prior to an inspection of the premises by the director of the
0016 department or his/her authorized agent. If the application is withdrawn
0017 prior to the inspection, the entire permit fee shall be refunded.

0018 Sec. 45A. Sections 44A-3, 44-4(c), 44A-5, 44A-8 (b) and (c), 44A-9,
0019 44A-11 and 44A-16 of Chapter 44A, title "Secondhand Personal Property" of
0020 the Montgomery County Code 1972, as amended, be and hereby are amended to
0021 read as follows:

0022 44A-3. Required books and records.

0023 * * *

0024 (b) A dealer shall cause a written record, in the English language, to
0025 be made of each transaction involving a purchase, acquisition or receipt by
0026 or on behalf of the dealer of secondhand personal property at the time of
0027 the transaction. Each transaction shall be recorded in a format specified
0028 by executive regulation, ~~promulgated by~~ ADOPTED UNDER Method 1
0029 ~~promulgated to~~ (3) OF Section 2A-14(c)(2) 15 of this ~~code~~ CODE, and
0030 shall contain the following information:

0031 * * *

0032 44A-4. RETENTION OF SECONDHAND PERSONAL PROPERTY.

0033 * * *

0034 (C) THE REQUIREMENTS OF SUBSECTIONS (A) AND (B) SHALL NOT BE APPLICABLE
0035 TO ANY SECONDHAND PERSONAL PROPERTY WHICH HAS BEEN INSPECTED AND RECEIVED

0001 WRITTEN CLEARANCE FOR EARLIER DISPOSITION BY THE DIRECTOR OR HIS DESIGNEE IN
 0002 ACCORDANCE WITH REGULATIONS [PROMULGATED] ADOPTED BY THE COUNTY EXECUTIVE
 0003 UNDER METHOD (3) OF SECTION 2A-15 OF THIS CODE.

0004 44A-5. Exemption for certain dealers.

0005 The county executive may, by regulation ~~promulgated by~~ ADOPTED UNDER
 0006 Method 2/~~promulgated by~~ (3) OF Section 2A-14(~~1~~)(2) 15 of this ~~code~~
 0007 CODE, modify or eliminate the licensing, holding, recordkeeping or reporting
 0008 requirements of this Chapter as they pertain to dealers who derive less than
 0009 10% of their gross personal property sales from the sale of secondhand
 0010 personal property.

0011 44A-8. Application for license; license fee.

0012 * * *

0013 (b) The annual license fee for each license shall be established by the
 0014 County Executive, by written regulation ~~promulgated by~~ ADOPTED UNDER
 0015 Method 2/~~promulgated by~~ (3) OF Section 2A-14(~~1~~)(2) 15 of this ~~code~~
 0016 CODE, in an amount not to exceed the estimated costs of administering and
 0017 enforcing this chapter.

0018 (C) EACH APPLICATION FOR A DEALER'S LICENSE SHALL CONTAIN A STATEMENT
 0019 THAT THE APPLICANT AUTHORIZES THE MONTGOMERY COUNTY DEPARTMENT OF POLICE OR
 0020 OTHER POLICE DEPARTMENTS HAVING JURISDICTION TO INSPECT THE BOOKS, RECORDS,
 0021 INVENTORY AND PREMISES OF THE BUSINESS DURING NORMAL BUSINESS HOURS, AND A
 0022 STATEMENT THAT THE DEALER AGREES TO PAY FOR THE PURCHASE OF ANY SECONDHAND
 0023 PERSONAL PROPERTY BY CHECK AND NOT TO CASH ANY SUCH CHECK, EXCEPT AS
 0024 PERMITTED BY EXECUTIVE REGULATION ADOPTED UNDER METHOD (3) OF SECTION 2A-15
 0025 OF THIS CODE.

0026 * * *

0027 44A-9. PAYMENTS BY CHECK.

0028 A DEALER MUST PAY FOR THE PURCHASE OF ALL SECONDHAND PERSONAL PROPERTY
 0029 BY CHECK, EXCEPT AS PERMITTED BY EXECUTIVE REGULATION ADOPTED UNDER METHOD
 0030 (3) OF SECTION 2A-15 OF THIS CODE.

0031 44A-11. Expiration and renewal of license; prohibition on transfer.

0032 * * *

0033 (b) A license issued under this Chapter may be renewed on application
 0034 and payment of a fee established by the County Executive by regulation
 0035 ~~promulgated by~~ ADOPTED UNDER Method 2/~~promulgated by~~ (3) OF Section

0001 ~~2A-14(1)(2)~~ 15 of this

0002 ~~code~~ CODE, which shall not exceed the estimated costs of administration and
0003 enforcement.

0004 * * *

0005 44A-16. [Rules and regulations] REGULATIONS; restitution.

0006 The county executive shall adopt [and promulgate], UNDER ~~by~~ Method

0007 ~~(2)~~ (2) OF Section 2A-14(1)(2) 15 of this ~~code~~ CODE,

0008 reasonable and necessary [rules and] regulations for the implementation and

0009 administration of this Chapter. These [rules and] regulations may include

0010 provisions providing for the County to, and the County may, obtain

0011 restitution on behalf of an injured party.

0012 Sec. 46. Sections 47-13 and 47-22 of Chapter 47, title "Solicitors,

0013 Hawkers and Peddlers", be and hereby are amended to read as follows:

0014 47-13. License - Fee; issuance; contents.

0015 A fee to cover the cost of investigating the applicant for a license and

0016 processing of the application under this article shall be paid to the county

0017 when the application is filed, and shall not be returnable under any

0018 circumstances. The county executive may from time to time, by executive

0019 regulation promulgated by ADOPTED UNDER Method (3) ~~promulgated by~~ OF

0020 Section 2A-14(1)(3) 15 of this ~~code~~ CODE, change such fee to an amount

0021 not to exceed the reasonable costs of licensing and enforcement under this

0022 article. Unless, after investigation, the director finds that the applicant

0023 has not complied with this article or is not of good moral character, he/she

0024 shall issue a license upon the posting of the bond as provided in the

0025 preceding section which shall show the name and address of the solicitor and

0026 the date of issuance and expiration of the license, and one of the

0027 photographs submitted by the solicitor shall be attached to the license. No

0028 license shall be issued to any holder of a license issued under this article

0029 within one year of a revocation. In determining good moral character, the

0030 reputation of the applicant, his criminal record, if any, and license

0031 history in this or other jurisdictions shall be considered. Emphasis in

0032 reaching a decision on moral character shall be given to any convictions for

0033 crimes of violence, sex offenses, violations of the gaming, narcotic,

0034 alcoholic beverage laws and fraud. No person shall be denied a license

0035 solely on the grounds of previous convictions or penal servitude, if, in

0001 fact, his record, conduct and habits for a period of three years after
 0002 conviction or release from penal servitude, whichever is later, indicate
 0003 that he is a proper person to be licensed under the standards of this
 0004 article.

0005 47-22. Same - fee; license year.

0006 For each license required by the preceding section, each person shall
 0007 pay a fee which shall be established and may be revised from time to time by
 0008 the county executive by written regulations ~~provided~~ ~~by~~ ADOPTED UNDER
 0009 Method (3) [in accordance with] OF section [2-105] ~~2A-1A(1)(2)~~ 15 of this
 0010 code in an amount not to exceed the reasonable costs of administration and
 0011 enforcement of this article. The fee schedule shall provide for a license
 0012 fee for different periods of time up to one year.

0013 Sec. 47. Sections 48-6, 48-26, 48-29(d) and 48-32(a) of Chapter 48,
 0014 title "Solid Wastes", be and hereby are amended to read as follows:

0015 48-6. Rules and regulations for collection or disposal.

0016 Collection or disposal of solid waste, shall be in accordance with such
 0017 [rules and] regulations, which may include the imposition of reasonable fees
 0018 to cover the cost of inspection and licensing, as the county executive
 0019 shall, from time to time, [prescribe] ~~by~~ ADOPT UNDER Method (2)
 0020 ~~provided~~ ~~to~~ OF Section 2A-1A(1)(2) 15 of this ~~code~~ CODE; provided,
 0021 that no incorporated town or special taxing area shall be required to pay
 0022 any fees for inspection and licensing.

0023 48-26. Same - fees.

0024 Permit or license fees under this chapter shall be fixed annually by
 0025 executive regulation ~~provided~~ ADOPTED by the county executive ~~by~~
 0026 UNDER Method 2 ~~provided~~ ~~to~~ (3) OF Section 2A-1A(1)(2) 15 of this
 0027 ~~code~~ CODE. The fees shall not exceed the cost of inspection, licensing
 0028 and enforcement of this chapter.

0029 48-29. Solid waste collection districts.

0030 * * *

0031 (d) The county executive shall fix charges annually, for solid waste
 0032 collection and disposal services, so as to coincide in time with the fixing
 0033 of the annual real property tax rates; such charges shall correspond as
 0034 closely as practicable to the actual cost to the county to perform such
 0035 services; provided, that if such collection or disposal charges, together

0001 with manner of collection, are prescribed by law, the charges and manner of
0002 collection established by such law shall prevail. The county executive is
0003 authorized to [make and publish] ~~provide~~ ADOPT UNDER Method 2
0004 ~~provide~~ (3) OF Section 2A-14(e)(2) 15 of this ~~code~~ CODE, all
0005 necessary regulations for the implementation and enforcement of this
0006 chapter, which regulations shall have the force and effect of law.

* * *

0008 48-32. Imposition; amount; exemptions.

0009 (a) A base solid waste disposal charge is herein established at a fixed
0010 rate per ton, to be determined by resolution of the county council, for any
0011 and all types of disposable refuse delivered by any person or agency, public
0012 or private, to the county solid waste acceptance facilities. The county
0013 executive is authorized, by written regulation ~~provide~~ ADOPTED
0014 UNDER Method (2) ~~provide~~ OF Section 2A-14(e)(2) 15 of this
0015 ~~code~~ CODE, to provide for a charge different from the base solid waste char
0016 ge for any particular type of disposable refuse which has a cost of disposal d
0017 ifferent from the base solid waste charge or for which any other jurisdiction
0018 in the metropolitan Washington, D.C., area is charging more than the base char
0019 ge of the county. The council may, by resolution, after considering any recom
0020 mendations from the county executive, change such base rate, following notice
0021 and a public hearing on such a change; the effective date of any change in the
0022 base solid waste disposal charge shall provide adequate time to allow public
0023 and private agencies and organizations to make necessary billing adjustments.

* * *

0025 Sec. 48. Sections 49-1, 49-4, 49-7, 49-23(a), 49-27, 49-33, 49-33A(c),
0026 49-36, 49-38(b), (c) and (g), 49-40(e), 49-68A and 49-75 of Chapter 49,
0027 title "Streets and Roads", be and hereby are amended to read as follows:

0028 49-1. [Rules, regulations] REGULATIONS and ordinances - Authority to adopt,
0029 etc.

0030 The county council is hereby authorized to adopt, and from time to time
0031 change and amend, any and all necessary and reasonable [rules,] regulations
0032 and ordinances governing the proper use, care, construction, reconstruction,
0033 improvement, grading, repairing and maintenance of the county roads, lanes,
0034 streets, alleys, avenues, bridges or other highways, including those
0035 dedicated for public use, but excepting those located within incorporated

0001 towns and incorporated special taxing areas of the county. The county
 0002 executive is also authorized to [promulgate or] adopt, and from time to
 0003 time, amend and change any and all necessary and reasonable [rules and]
 0004 regulations governing the foregoing matters which are not inconsistent with
 0005 or superseded by any [rule,] regulation, ordinance or law adopted or enacted
 0006 by the county council. The council is hereby authorized to provide
 0007 reasonable penalties for the violation of all such [rules and] regulations
 0008 and make other necessary provisions for the enforcement thereof. All such
 0009 [rules and] regulations when adopted UNDER ~~By~~ Method (2) [in accordance
 0010 with the procedures prescribed by ~~[law]~~ OF section 2A-141(1)(2) 15 of
 0011 this code CODE shall have the force and effect of law.

0012

0013 49-4. AUTHORITY OF CITIZENS' COMMITTEES OF SPECIAL TAXING AREAS TO REGULATE
 0014 CONSTRUCTION, MAINTENANCE, ETC., OF STREETS AND ROADS.

0015 THE CITIZENS' COMMITTEE OF ANY SPECIAL TAXING AREA, WHICH COMMITTEE HAS
 0016 THE AUTHORITY AND DUTY TO PAVE AND MAINTAIN STREETS, ROADS OR OTHER HIGHWAYS
 0017 IN ITS AREA, IS HEREBY AUTHORIZED TO ADOPT, AND FROM TIME TO TIME, CHANGE
 0018 AND AMEND REASONABLE [RULES,] REGULATIONS AND ORDERS UNDER METHOD (2)
 0019 OF SECTION 2A-15 OF THIS CODE WITH REFERENCE TO THE PROPER CONSTRUCTION,
 0020 MAINTENANCE, IMPROVEMENT, GRADING AND REPAIRING OF THE ROADS, LANES,
 0021 STREETS, ALLEYS, AVENUES, BRIDGES OR OTHER HIGHWAYS IN TAXING AREAS,
 0022 INCLUDING THOSE DEDICATED FOR PUBLIC USE. THEREAFTER NO PUBLIC ROAD, LANES,
 0023 STREET, ALLEY, AVENUE, BRIDGE OR OTHER HIGHWAY WITHIN SUCH SPECIAL TAXING
 0024 AREA, INCLUDING THOSE DEDICATED FOR PUBLIC USE, SHALL BE CONSTRUCTED,
 0025 REPAIRED, GRADED, IMPROVED OR MAINTAINED BY ANY PERSON, ASSOCIATION OR
 0026 CORPORATION UNLESS SUCH CONSTRUCTION, REPAIRING, IMPROVEMENT, GRADING OR
 0027 MAINTENANCE COMPLY IN ALL PARTICULARS WITH SUCH [RULES,] REGULATIONS AND
 0028 ORDERS. IN ADOPTING SUCH [RULES,] REGULATIONS AND ORDERS, THE AFORESAID
 0029 CITIZENS' COMMITTEE MAY, BY RESOLUTION, ADOPT ALL OR PART OF THE [RULES,]
 0030 REGULATIONS AND ORDERS PROMULGATED BY THE COUNTY COUNCIL OF MONTGOMERY
 0031 COUNTY FOR THE CONSTRUCTION, MAINTENANCE, IMPROVEMENT, GRADING AND REPAIRING
 0032 OF THE COUNTY ROADS, LANES, STREETS, ALLEYS AVENUES, BRIDGES OR OTHER
 0033 HIGHWAYS. ANY PERSON, ASSOCIATION OR CORPORATION VIOLATING ANY PROVISIONS
 0034 OF THIS SECTION OR ANY [RULE,] REGULATION OR ORDER OF ANY CITIZENS'
 0035 COMMITTEE PASSED PURSUANT HERETO SHALL BE [GUILTY OF A MISDEMEANOR AND

0001 PUNISHABLE BY A FINE NOT TO EXCEED ONE HUNDRED DOLLARS, OR IMPRISONMENT FOR
 0002 NOT MORE THAN THIRTY DAYS, OR BOTH FOR EACH OFFENSE, AND] SUBJECT TO
 0003 PUNISHMENT FOR A CLASS B VIOLATION AS SET FORTH IN SECTION 1-19 OF CHAPTER 1
 0004 OF THIS CODE. EACH DAY'S VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE.

0005 49-7. Permit required for grading, etc., projects; fee.

0006 Before any street, sidewalk, gutter, curb, grading project or drainage
 0007 project may be begun on a country road or street or within the boundaries of
 0008 a dedication to the public use, the applicant for a permit to undertake any
 0009 such project shall pay to the county as an inspection and engineering fee,
 0010 such fee as may be provided by written regulation of the county executive,
 0011 ~~promulgated by~~ ADOPTED UNDER Method (3) ~~presented to~~ OF Section
 0012 ~~2A-14(e)(3) of this Code~~ ^{2A-15} of this Code, for the construction of any such
 0013 street, sidewalk, gutter, curb, grading project or drainage project.

0014 Any person who violates any provision of this section shall, upon
 0015 conviction, be fined not more than one thousand dollars or imprisoned for
 0016 not more than one year, or both, for each offense.

0017 49-23. Licensing and regulating hoisting.

0018 (a) Whenever, in the judgment of the county executive, it is necessary
 0019 for the safety and control of vehicular or pedestrian traffic, he is hereby
 0020 authorized to issue written safety regulations, ~~promulgated by~~ ADOPTED
 0021 UNDER Method (3) ~~presented to~~ OF Section ~~2A-14(e)(3)~~ 15 of this Code
 0022 CODE, restriction or limiting the movement or use of any material, platform
 0023 hoist, bucket hoist, crane, derrick, material hoist tower or any other
 0024 device designed to hoist anything whatsoever on or over any public street,
 0025 right-of-way or public place.

0026 * * *

0027 49-27. Conversion of existing overhead public utility lines to underground
 0028 locations.

0029 Whenever it shall be necessary as the result of the construction or
 0030 improvement of any county road to relocate any overhead electric, telephone,
 0031 telegraph or other overhead lines of any kind, or related facilities, within
 0032 any such county road right-of-way, the county executive shall, by written
 0033 regulation ~~promulgated by~~ ADOPTED UNDER Method (3) ~~presented to~~ OF
 0034 Section ~~2A-14(e)(3)~~ 15 of this Code CODE, require that any such lines
 0035 be installed underground if he determines that such underground installation

0601 is required by one or more of the following conditions:

0002

0003 49-33. Standards and specifications.

0004 Except as otherwise provided, the construction of all roads shall
 0005 conform to the minimum requirements, standards and specifications provided
 0006 in this article. Whenever used in this article the word "standards" means
 0007 Montgomery County Design Standards, and the word "specifications" means
 0008 Montgomery County Standard Specifications. The Montgomery County Design
 0009 Standards and Montgomery County Standard Specifications are hereby adopted
 0010 and made a part of this article. The "standards" and "specifications"
 0011 adopted hereby may be amended by the county executive by regulation
 0012 ~~promulgated by~~ ADOPTED UNDER Method (2) [pursuant to] OF section [2-105
 0013 and subject to the approval, by resolution, of the county council]
 0014 ~~2A-1A(4)(2)~~ 2A-15 of this ~~code~~ CODE. The secretary of the county
 0015 council shall keep among his official records the standards and
 0016 specifications, as adopted by the county council, together with any
 0017 amendments thereto. The secretary shall also prepare and make available to
 0018 the public printed copies of this article and of such standards and
 0019 specifications, and they shall be given such free distribution or sold for
 0020 such price as the county executive may determine from time to time.

0021 49-33A. Pedestrian walkways, bikeways and wheelchair traffic.

0022

* * *

0023 (c) In order to promote the safety of bicycle and wheelchair travel
 0024 throughout the county, the county executive shall establish, by written
 0025 regulation ~~promulgated by~~ ADOPTED UNDER Method 1/~~promulgated by~~ (3) OF
 0026 Section 2A-1A(4)(2) 15 of this ~~code~~ CODE, standards and specifications
 0027 for the construction and maintenance of ramps at curbed intersections and
 0028 for the construction and maintenance of storm water gratings and other
 0029 openings along roads and streets of such a design and type as not to
 0030 constitute a hazard to bicycle and wheelchair traffic. Such nonhazardous
 0031 ramps, gratings and openings shall be constructed and maintained in
 0032 connection with all projects implemented pursuant to subsections (a) and (b)
 0033 of this section.

0034 49-36. Classification by county executive.

0035 No person shall construct any road and the county shall not authorize

0001 any road to be constructed or issue any permit therefor, until such proposed
 0002 road shall have been classified by the county executive as prescribed in
 0003 this section. All classifications of roads shall be by written regulation,
 0004 ~~provided~~ ADOPTED by the county executive by UNDER Method (2)
 0005 ~~provided~~ OF Section 2A-14(d)(1)15 of this ~~code~~ CODE, which shall
 0006 include a statement of facts and conclusions in support thereof.
 0007 Classifications of any road may be changed from time to time in like
 0008 manner. An alphabetical name file of all roads within the county to which
 0009 this article applies, indicating their classification and status as either
 0010 "maintained", "accepted for maintenance" or "not maintained" shall be kept
 0011 by the county. A similar file listing all roads according to election
 0012 district and road number shall also be kept.

0013 49-38. Permits for grading and construction - required; application; fee.

0014 * * *

0015 (b) Before any road, sidewalk, curb and gutter or drainage project,
 0016 except a project which is entirely a grading project, may be begun on a road
 0017 or within the boundaries of a dedication to the public use, the applicant
 0018 for a permit to undertake any such project shall pay to the county a fee
 0019 which shall be established by the county executive by written regulation
 0020 ~~provided~~ ADOPTED UNDER Method (3) [in accordance with section
 0021 SECTION
 [2-105] OF ~~2A-14(d)(1)~~ 15 of this code.

0022 (c) Where any such project is entirely a grading project, the applicant
 0023 shall pay a fee to the county as an inspection and engineering fee when the
 0024 office of the director does the engineering work on such project and a
 0025 separate fee when the applicant for the permit furnishes the engineering
 0026 work. The fees for grading projects shall be established and may be revised
 0027 from time to time by the County Executive by written regulation [in
 0028 accordance with section [2-105]/~~2A-14(d)(1)~~ of the code] ADOPTED UNDER
 0029 METHOD (3) OF SECTION 2A-15 OF THIS CODE.

0030 * * *

0031 (g) No person shall construct sidewalks, driveway entrances, retaining
 0032 walls, steps, cut curbs or construct or place any temporary or permanent
 0033 structure within a public right-of-way without first obtaining a permit
 0034 therefor from the director of transportation, and without paying a fee which
 0035 shall be established and may be revised from time to time by the county

0001 executive by written regulation ~~promulgated by~~ ADOPTED UNDER Method (3)
0002 [in accordance with section ~~2-105/2A/1A(4)(B)~~ of this code] OF
0003 SECTION 2A-15 OF THIS CODE.

0004 * * *

0005 49-40. Street and road bonds.

0006 * * *

0007 (e) The county executive is authorized to [promulgate rules and] ADOPT
0008 regulations, ~~by~~ UNDER Method (3) ~~promulgated by~~ OF Section
0009 ~~2A-1A(4)(B)~~ 2A-1A(4)(B)15 of this ~~code~~ CODE, to implement the provisions of this
0010 section. The director shall recommend permit fees to include amounts as may
0011 be necessary to cover any increased costs of administration of any of the
0012 programs set forth in this section.

0013 49-68A. Application filing fee.

0014 Except for applications by the county and other governmental agencies,
0015 no application under this article shall be received for filing unless it is
0016 accompanied by the payment of a filing fee in the amount of one hundred and
0017 twenty-five dollars or such other amount established by regulations of the
0018 county executive, ~~promulgated by~~ ADOPTED UNDER Method (3) [from time to
0019 time] ~~promulgated by~~ OF Section ~~2A-1A(4)(B)~~ 2A-1A(4)(B)15 of this ~~code~~ CODE, to
0020 defray the cost of hearing and other expenses of such application.

0021 49-75. Adoption of [rules and] regulations.

0022 The county executive is authorized to adopt, ~~by~~ UNDER Method (2)
0023 ~~promulgated by~~ OF Section ~~2A-1A(4)(2)~~ 2A-1A(4)(2)15 of this ~~code~~ CODE, necessary
0024 [rules or] regulations concerning freeways or expressways; such may include,
0025 but not be limited to, further provisions for the establishment,
0026 construction, use and access to freeways or expressways.

0027 Sec. 49. Sections 51-11 and 51-12(a) of Chapter 51, title "Swimming
0028 Pools" be and hereby are amended to read as follows:

0029 51-11. Fees.

0030 The fee for obtaining any license, permit or registration as provided in
0031 this chapter shall be such amount as the county executive, by regulation
0032 ~~promulgated by~~ ADOPTED UNDER Method (3) ~~promulgated by~~ OF Section
0033 ~~2A-1A(4)(B)~~ 2A-15 of this ~~code~~ CODE, may set from time to time. No
0034 separate pool operating permit shall be required for a wading or spray
0035 pool. A separate fee in such amount as the executive may set by regulation

0001 ~~provided by~~ ADOPTED UNDER Method (3) provided by OF Section
 0002 2A-14(d)(3) 2A-15 of this ~~code~~ CODE, from time to time, will be
 0003 charged for administration of the examination to applicants for a pool
 0004 operator's license as provided in this chapter. Fees shall not exceed the
 0005 reasonable costs of administering and enforcing this chapter. There shall
 0006 be no operating permit fee charged for any pool operated by the county.
 0007 51-12. [Rules and regulations.] REGULATIONS

0008 (a) The county executive is authorized and designated to prescribe and
 0009 issue written [rules and] regulations, ~~provided by~~ ADOPTED UNDER
 0010 Method (2) provided by OF Section 2A-14(d)(2) 15 of this ~~code~~ CODE,
 0011 for the implementation and operation of public swimming pools and public
 0012 swimming pool construction to this chapter as may be necessary from time to
 0013 time to implement the provisions of this chapter.

0014 (b) Each person selling, constructing or installing a swimming pool in
 0015 Montgomery County shall provide the purchaser or owner with a current copy
 0016 of this chapter.

0017 Sec. 50. Sections 52-7(k), 52-8, 52-16B(k), 52-18A(c), 52-18B(k),
 0018 52-18C(m), 52-18D(d), 52-21(d), 52-21(h)(4) and 52-21(i)(4) and (7) of
 0019 Chapter 52, title "Taxation", be and hereby are amended to read as follows:
 0020 52-7. Same - Purchase by county taxpayers; denominations; increase in value;
 0021 form; redemption; nontransferable; limitation on amount issued; lost
 0022 or stolen certificates.

0023 * * *

0024 (k) The [director of finance] county executive is authorized to
 0025 establish regulations [and procedures], ~~provided by~~ ADOPTED UNDER
 0026 Method (3) provided by OF Section 2A-14(d)(3) 15 of this ~~code~~ CODE,
 0027 for the replacement of lost or stolen certificates upon proof of loss
 0028 satisfactory to the director.

0029 52-8. Certification of payment of taxes; fees; liability for errors, etc.

0030 For certifying the payment or nonpayment of ordinary taxes, to persons
 0031 other than the council or the head of any department of the county
 0032 government, the director of finance shall charge and collect a fee for each
 0033 such certification as shall be established by the county executive by
 0034 written regulations ~~provided by~~ ADOPTED UNDER Method (3) [in
 0035 accordance with] OF section [2-105] 2A-14(d)(3) 15 of this code and in

0001 amount not to exceed the cost of administering and providing for liability
0002 under this section.

0003 In addition, the director of finance shall charge and collect a fee
0004 which shall be established by the county executive by written regulation
0005 ~~provided by~~ ADOPTED UNDER Method (3) [in accordance with] OF section
0006 [2-105] ~~2A-14(c)(2)~~ 15 of this code for each certification of payment or
0007 nonpayment of any farmland transfer tax due under Section 52-21.

0008 All such certifications shall certify the taxes that are paid or unpaid
0009 according to the records of the county but neither the director of finance
0010 nor any official authorized by him to make such certificate shall be
0011 personally liable for any error in such certificate unless the error be
0012 caused by his willful, capricious or fraudulent act. In the event of the
0013 failure to list on such certificate unpaid taxes for the period covered by
0014 such certificate, or the failure to list properly payment or nonpayment of
0015 the farmland transfer tax due under section 52-21, the liability of the
0016 county on such certificate shall be limited to the amount of such unpaid
0017 taxes, interest and penalties.

0018 52-16B. Beverage container tax.

0019 * * *

0020 (k) Additional provisions. The county executive may adopt [rules and]
0021 regulations, ~~provided by~~ ADOPTED UNDER Method (2) ~~provided by~~ OF
0022 Section 2A-14(c)(2) 15 of this ~~code~~ CODE, necessary to implement and
0023 clarify the provisions of this tax.

0024 52-18A. Tax credit for certain nonprofit organizations.

0025 * * *

0026 (c) The [Director of Finance] county executive is delegated authority
0027 to prepare such [rules and] regulations, ~~provided by~~ ADOPTED UNDER
0028 Method (2) ~~provided by~~ OF Section 2A-14(c)(2) 15 of this ~~code~~ CODE,
0029 as the [Director] county executive determines may be needed for the
0030 administration of tax credits to the extent such administrative rules and
0031 regulations are not inconsistent with Section 9C, Article 81, Annotated Code
0032 of Maryland.

0033 * * *

0034 52-18B. Moderate income multi-family rental housing facility real property
0035 tax deferral.

0001

* * *

0002

k. The county executive is authorized to [promulgate]^{ADOPT} regulations, ~~by~~
 UNDER Method (2) ~~promulgate~~ OF Section 2A-14(d)(2) 15 of this ~~code~~
 CODE, for the administration of this deferral program.

0004

0005

52-18C. Residential real property tax deferral.

0006

* * *

0007

(m) The county executive is authorized to [promulgate] ADOPT
 regulations, ~~by~~ UNDER Method (2) ~~promulgate~~ OF Section 2A-14(d)(2)
 15 of this ~~code~~ CODE, for the administration of this deferral program.

0008

0009

0010

* * *

0011

52-18D. TAX CREDIT FOR GREAT HOPE HOMES LIMITED.

0012

* * *

0013

(D) THE [DIRECTOR OF FINANCE] COUNTY EXECUTIVE IS DELEGATED AUTHORITY
 TO PREPARE SUCH [RULES AND] REGULATIONS, TO BE ADOPTED UNDER METHOD (3) OF
SECTION 2A-15 OF THIS CODE, AS THE [DIRECTOR] EXECUTIVE DETERMINES MAY BE
 NEEDED FOR THE ADMINISTRATION OF TAX CREDIT TO THE EXTENT SUCH
 ADMINISTRATIVE [RULES AND] REGULATIONS ARE NOT INCONSISTENT WITH SECTION 9C,
 ARTICLE 81, ANNOTATED CODE OF MARYLAND.

0014

0015

0016

0017

0018

0019

* * *

0020

52-21. Levied; amount.

0021

* * *

0022

(d) A percentage of the value of the consideration for the transfer of
 land, excluding improvements thereon, which, while owned by the transferor,
 has been assessed at any time during the five years preceding transfer on
 the basis of being actively devoted to farm or agricultural use or which
 while owned by the transferor has been valued and assessed on the assessment
 records on the basis of the agricultural use value assessment at any time
 during the five years preceding transfer, said tax to be paid by the
 transferor of such land, which percentage shall vary according to the
 following schedule:

0023

0024

0025

0026

0027

0028

0029

0030

0031

(1) Land assessed and taxed to the transferor for one year on the
 basis of farm or agricultural use, two and one-half percent.

0032

0033

(2) Land assessed and taxed to the transferor for two years on the
 basis of farm or agricultural use, four percent.

0034

0035

(3) Land assessed and taxed to the transferor for three years on the

0001 basis of farm or agricultural use, five and one-half percent.

0002 (4) Land assessed and taxed to the transferor for more than three
0003 years on the basis of farm or agricultural use, six percent.

0004 Improvements and land which were not assessed based on farm or
0005 agricultural use and are not subject to the farmland transfer tax levied in
0006 subsections (d)(1), (2), (3), or (4) and are transferred as a part of a
0007 transaction including a transfer of land previously assessed as farmland,
0008 shall be taxed as provided in other subsections of this Section 52-21 as if
0009 such improvements and land were not part of a transaction including
0010 farmland. Consideration for the improvements and non-farm-assessed land
0011 shall be presumed to be the total full cash value most recently determined
0012 by the Supervisor of Assessments based on the most recent notice of
0013 assessment. The presumption may be rebutted by clear and convincing
0014 evidence.

0015 Where the transfer is subject both to the tax imposed by this subsection
0016 (d) and the tax imposed by subsection (e) below, the tax imposed by
0017 subsection (e) shall be the only tax imposed on the transfer.

0018 The [Director of Finance]county executive may from time to time issue
0019 written regulations, ~~provided by~~ ADOPTED UNDER Method 2/~~provided by~~
0020 (3) OF Section 2A-1A(c)(2)15 of this ~~code~~ CODE, pertaining to the
0021 collection of the tax levied in this subsection.

0022 * * *

0023 (h) Four percent of the value of the consideration for the initial
0024 transfer of a residential unit subject to a condominium regime, which unit
0025 was offered for rent for residential purposes prior to the establishment of
0026 the condominium regime.

0027 * * *

0028 (4) The county executive may adopt regulations, ~~provided by~~
0029 UNDER Method (2) ~~provided by~~ OF Section 2A-1A(c)(2)15 of this ~~code~~
0030 CODE, for the implementation of the purposes set forth above[, subject to
0031 notification to the county council seven (7) days prior to issuance].
0032 Expenditures from the fund shall be authorized by appropriation by the
0033 county council.

0034 * * *

0035 (i) Four percent of the value of the consideration for the initial

0001 transfer of stock or other evidence of membership in a cooperative or
 0002 similar entity where such stock corresponds to a residential unit which is
 0003 being converted from rental status to a system of cooperative housing
 0004 corporation ownership under which title to a multi-unit residential facility
 0005 is held by a corporation, the shareholders or members of which, by virtue of
 0006 such ownership or membership, are entitled to enter into an occupancy
 0007 agreement for a particular residential unit.

0008 * * *

0009 (4) The county executive may adopt regulations, ~~provided by~~
 0010 UNDER Method (2) ~~provided by~~ OF Section 2A-1A(1)(2)15 of this ~~code~~
 0011 CODE, for the implementation of the purposes set forth above[, subject to
 0012 notification to the county council seven (7) days prior to issuance].
 0013 Expenditures from the fund shall be authorized by appropriation by the
 0014 county council.

0015 * * *

0016 (7) For purposes of subsection (1), a transfer or issuance of stock
 0017 or other evidence of membership from the cooperative housing corporation to
 0018 the developer shall not be deemed to be the initial transfer. The county
 0019 executive may from time to time issue written regulations, ~~provided by~~
 0020 ADOPTED UNDER Method (2) ~~provided by~~ OF Section 2A-1A(1)(2)15 of this
 0021 ~~code~~ CODE, to define any terms or to effectuate the purposes of this
 0022 subsection (i).

0023 * * *

0024 Sec. 51. Sections 53-18, 53-19(c) and (e), 53-37A, 53-42 and
 0025 53-46(c)(5) of Chapter 53, title "Taxicabs and Limousines" be and hereby
 0026 are amended to read as follows:

0027 53-18. VEHICLE EQUIPMENT - TAXIMETERS.

0028 EACH TAXICAB FOR WHICH A PASSENGER VEHICLE LICENSE HAS BEEN ISSUED UNDER
 0029 THIS CHAPTER SHALL BE EQUIPPED, WHILE IN SERVICE, WITH AN ACCURATE, PROPERLY
 0030 INSTALLED AND CONNECTED TAXIMETER WHICH HAS A SECURITY SEAL AFFIXED BY THE
 0031 OFFICE OF CONSUMER AFFAIRS. PERIODIC TESTS OF SUCH METERS WILL BE MADE.
 0032 UPON SUCCESSFUL COMPLETION OF THE TESTS, THE TAXIMETER SHALL BE AFFIXED WITH
 0033 A SECURITY SEAL. THESE TESTS SHOULD BE SCHEDULED BY THE COUNTY IN SUCH A
 0034 MANNER AS TO MINIMIZE THE INTERRUPTION OF TAXICAB SERVICE TO THE PUBLIC.
 0035 EXCEPT AS OTHERWISE SPECIFIED, THE REQUIREMENTS FOR APPROVAL AND METHODS OF

0001 TESTING AND OPERATION OF TAXIMETERS SHALL CONFORM TO SPECIFICATIONS,
 0002 TOLERANCES AND REGULATIONS FOR TAXIMETERS AS SET OUT IN THE NATIONAL BUREAU
 0003 OF STANDARDS HANDBOOK 44, OR AS MAY BE ESTABLISHED BY EXECUTIVE REGULATIONS
 0004 ADOPTED UNDER METHOD (3) OF SECTION 2A-15 OF THIS CODE. IT SHALL BE
 0005 UNLAWFUL AND CAUSE FOR REVOCATION OR SUSPENSION OF IDENTIFICATION CARD OR
 0006 PASSENGER VEHICLE LICENSE FOR ANY PERSON:

0007 (A) TO MAKE ANY CHANGE IN THE MECHANICAL CONDITION OF WHEELS, TIRES AND
 0008 GEARS OF ANY TAXICAB WITH INTENT TO CAUSE FALSE REGISTRATION BY THE METER OF
 0009 THE FARE TO BE CHARGED ANY PASSENGER.

0010 (B) TO MAKE ANY CHARGE FOR TRANSPORTATION OTHER THAN COMPUTED BY THE
 0011 TAXIMETER WITH A SECURITY SEAL, PROVIDED, HOWEVER, THAT THE DIRECTOR OF THE
 0012 DEPARTMENT OF TRANSPORTATION, OR HIS OR HER AUTHORIZED DESIGNEE, MAY GRANT A
 0013 WAIVER TO THIS PROVISION FOR A CONTRACT FILED THEREWITH THAT PERMITS LOWER
 0014 RATES THAN THOSE COMPUTED BY THE TAXIMETER UPON A WRITTEN DETERMINATION THAT
 0015 THE CONTRACT PROVISION WILL NOT RESULT IN A SIGNIFICANT REDUCTION OF SERVICE
 0016 TO THE GENERAL PUBLIC AS PROVIDED UNDER SECTION 53-31.
 0017 53-19. Schedule of fare rates.

0018 * * *

0019 (c) Adjustments of rates. The county executive may adjust such rates,
 0020 by executive regulations ~~provided by~~ ADOPTED UNDER Method 1
 0021 ~~provided to~~ (3) OF Section 2A-14(c)(2)15 of this code CODE, as he
 0022 or she deems necessary in the public interest after public notice and
 0023 hearing and after giving consideration to the recommendations of the taxicab
 0024 service advisory committee.

0025 * * *

0026 (e) The county executive is authorized to adopt after public hearing
 0027 [rules and] regulations, ~~provided by~~ ADOPTED UNDER Method (2)
 0028 ~~provided to~~ OF Section 2A-14(c)(2)15 of this code CODE, to include
 0029 but not be limited to a taxicab reporting system in order to carry out the
 0030 intent of this article.
 0031 53-37A. Rules and regulations.

0032 The county executive is hereby authorized to establish in writing
 0033 [rules and] regulations, ~~provided by~~ ADOPTED UNDER Method (2)
 0034 ~~provided to~~ OF Section 2A-14(c)(2)15 of this code CODE, necessary
 0035 and proper to carry out the purposes and intent of this chapter. (Any such

0001 rule or] regulation) shall become effective only after the county executive
 0002 or his designee shall have conducted a public hearing, after reasonable
 0003 notice, at which hearing all interested persons shall have an opportunity to
 0004 appear and testify on the proposed rule or regulation.

0005 53-42. INSURANCE REQUIRED OF APPLICANTS.

0006 BEFORE ISSUING ANY PASSENGER VEHICLE LICENSE UNDER THIS ARTICLE, THE
 0007 DEPARTMENT OF TRANSPORTATION SHALL ASCERTAIN AS TO EACH VEHICLE LICENSED
 0008 THAT THE OWNER HAS INSURANCE OR SURETY FOR THE VEHICLE COVERING BODILY
 0009 INJURY OR DEATH TO ANY PASSENGER OR OTHER PERSON, AND, PROPERTY DAMAGE, IN
 0010 THE AMOUNTS REQUIRED BY REGULATIONS ADOPTED BY THE COUNTY EXECUTIVE UNDER
 0011 METHOD (3) OF SECTION 2A-15 OF THIS CODE, AND FURTHER THAT SUCH INSURANCE
 0012 SURETY COVERS THE FULL PERIOD FOR WHICH THE VEHICLE IS TO BE INSURED.

0013 IF AT ANY TIME, FOR ANY REASON, THE INSURANCE OR SURETY COVERAGE LAPSES
 0014 DURING THE LICENSE YEAR, THE LICENSE SHALL BE IMMEDIATELY SUSPENDED WITHOUT
 0015 NOTICE OR HEARING, AND THE DIRECTOR OR HIS AGENT SHALL PROCEED IMMEDIATELY
 0016 TO OBTAIN POSSESSION OF THE LICENSE AND SHALL NOT REISSUE IT UNTIL THE
 0017 INSURANCE OR SURETY REQUIREMENTS ARE FULLY MET.

0018 53-46. Issuance; maximum number; waiting list; rights of heirs of deceased
 0019 licensee.

0020 * * *

0021 (c) Authorized, unissued passenger vehicle licenses shall be issued in
 0022 accordance with the following procedure and determinations:

0023 * * *

0024 (5) Applications for a passenger vehicle license shall be processed in
 0025 accordance with the following procedures:

0026 a. Application shall be made in writing to the department of
 0027 transportation in accordance with section 53-40 of this chapter.

0028 b. Upon receipt of any such application, the department of
 0029 transportation shall give due notice thereof to the public by posting a
 0030 notice of such application in the office of the department and by causing
 0031 copies of such notice to be transmitted to such other persons as the
 0032 department may by regulation determine. Any interested person may file with
 0033 the department a protest or memorandum of opposition to or in support of the
 0034 grant of any such application. The [department] county executive shall, by
 0035 regulation ~~promulgated by~~ ADOPTED UNDER Method (3) pursuant to OF

0001 Section 2A-14(c)(3)15 of this code CODE, determine the duration of
0002 such posting and any limitations of time applicable to the giving of notice
0003 and the filing of protests or memoranda and such periods of time shall be
0004 sufficient in duration to most nearly assure actual notice and opportunity
0005 to be heard to all interested persons.

0006 c. The department may act without a public hearing to recommend
0007 disposition of any application as to which neither a protest nor a
0008 memorandum in the opposition has been duly furnished to the department
0009 within the prescribed time. The department shall set all other applications
0010 for public hearing, at which oral and written evidence, testimony and
0011 argument shall be received from the applicant and other interested persons.
0012 The county executive shall, by written regulation ~~promulgated by~~ ADOPTED
0013 UNDER Method (3) pursuant to OF Section 2A-14(c)(3)15 of this ~~code~~
0014 CODE, establish procedures which will assure that interested persons receive
0015 actual notice and an opportunity to participate in such hearing.

0016 * * *

0017 Sec. 52. Sections 53A-3, 53A-8(c) and 53A-10 of Chapter 53A, title
0018 "Tenant Displacement", be and hereby are amended to read as follows:
0019 53A-3. Right of first refusal to purchase rental facilities.

0020 (a) Sale of rental facilities.

0021 Prior to the sale or transfer of a rental facility of more than ten
0022 rental units to any person for the purpose of conversion, the owner shall
0023 provide a right of first refusal to purchase the rental facility to the
0024 county, its designated housing agency and tenants' organizations certified
0025 by the office of consumer affairs pursuant to executive regulations,
0026 ~~promulgated~~ ADOPTED ^{METHOD} ~~by the county executive by~~ UNDER ~~Method 2~~ Method 2
0027 ~~and to~~ (3) OF Section 2A-14(c)(3)15 of this code CODE.

0028 * * *

0029 (b) Notice required; exercise of right of first refusal.

0030 * * *

0031 (4) The county executive may require the owner, by executive
0032 regulations ~~promulgated by~~ ADOPTED UNDER Method 2 ~~pursuant to~~ (3) OF
0033 Section 2A-14(c)(3)15 of this code CODE, to make available to the
0034 county, its designated housing agency and certified tenants organization
0035 information regarding the characteristics and condition of the facility

0001 deemed relevant to the exercise of the right of first refusal, including but
 0002 not limited to architectural and engineering plans and specifications and
 0003 facility operating data. In addition, the county executive, by regulation
 0004 ~~prescribed by~~ ADOPTED UNDER Method 2/president/10 (3) OF Section
 0005 ~~2A-14(e)(2)~~ 2A-15 of this code CODE, may require the owner to provide
 0006 access to the facility for purposes of inspection by the county, its
 0007 designated housing agency, and certified tenants organization, provided, the
 0008 county, its designated housing agency, and certified tenants organization,
 0009 and their agents shall be responsible for any damage to the property cause
 0010 by such inspection. The county executive may provide, by regulation
 0011 ~~prescribed by~~ ADOPTED UNDER Method 2/president/10 (3) OF Section 2A-15
 0012 ~~2A-14(e)(2)~~ of this code CODE, that any information received by
 0013 either the county or its designated housing agency, pursuant to this
 0014 subsection, is confidential and not subject to public disclosure.

0015 * * *

0016 53A-8. Notice to tenants of status conversion; right of tenant to terminate
 0017 leave; liability for relocation costs.

0018 * * *

0019 (c) Any tenant who, within one hundred eight (180) days after receipt
 0020 of a notice of intention to convert the status or use of the rental
 0021 facility, under this chapter, gives written notice of intent to move to the
 0022 owner, shall be entitled to reimbursement by the owner for the reasonable
 0023 costs of relocation assistance as determined by executive regulation,
 0024 ~~prescribed by~~ ADOPTED UNDER Method (2)⁽³⁾ president/10 OF Section
 0025 ~~2A-14(e)(2)~~ 2A-15 of this code CODE, up to \$750.00, provided that
 0026 complaints regarding the application of this subsection may be filed with
 0027 the office of landlord-tenant affairs.

0028 53A 10. Administration of chapter.

0029 The office of consumer affairs shall be responsible for administration
 0030 of this chapter and the county executive shall, from time to time, issue
 0031 such written regulations, ~~prescribed by~~ ADOPTED UNDER Method (2)
 0032 ~~president/10 (3)~~ ⁽²⁾ OF Section 2A-14(e)(2) 15 of this code CODE, as may
 0033 be necessary to put into effect and to administer the provisions of this
 0034 chapter.

0035 Sec. 53. Sections 54-2, 54-15, 54-19 and 54-23 of Chapter 54, title

0001 "Transient Lodging Facilities", be and hereby are amended to read as follows:
 0002 54-2. Authority of county executive to regulate and license.

0003 The county executive, in order to implement the health standards and
 0004 regulations of this chapter, is hereby authorized by law to adopt such
 0005 regulations, ~~promulgated by~~ ADOPTED UNDER Method ~~(2)~~⁽³⁾ ~~pursuant to~~ OF
 0006 Section 2A-14(d)(2)15 of this code CODE, concerning the operation,
 0007 maintenance and conduct of any of the types of establishments referred to in
 0008 this chapter, including provision of such licenses and license fees for such
 0009 establishments as he may deem appropriate. Neither the provisions of this
 0010 chapter nor the provisions of any law adopted hereunder shall be applicable
 0011 within the corporate limits of any incorporated municipality or special
 0012 taxing area within the county which by law has authority to enact similar
 0013 regulations.

0014 54-15. Application.

0015 Before an annual license for any establishment shall be issued by the
 0016 director under this division, an application shall be filed by the owner or
 0017 operator, or his duly authorized agent, in accordance with the [rules and]
 0018 regulations prescribed by the [director] county executive ~~by~~ UNDER Method
 0019 ~~(3) pursuant to~~ OF Section 2A-14(d)(3) 15 OF ~~of this code~~ CODE.

0020 54-19. Fees.

0021 The annual fees for licenses under this division shall be established by
 0022 the county executive by written regulation ~~promulgated by~~ ADOPTED UNDER
 0023 Method (3) [pursuant to ~~the procedure set forth in~~] OF section [54-2 of
 0024 this chapter] 2A-14(d)(3) 15 of this code CODE.

0025 54-23. Change of location of establishment; transfer.

0026 (a) Whenever an establishment changes its location, the current license
 0027 held by such owner or operator under this division shall automatically
 0028 become void.

0029 (b) The director may, in his discretion, authorize the transfer of a
 0030 license issued under this division to a new owner or operator upon an
 0031 application for transfer of the license and payment of a transfer fee which
 0032 shall be established by the county executive by written regulation
 0033 ~~promulgated by~~ ADOPTED UNDER Method (3) [pursuant to ~~the procedure~~
 SECTION
 0034 set forth in] section [54-2 of this chapter] OF 2A-14(d)(3) 15 of
 0035 this code CODE.

0001 Sec. 54. Sections 56-1, 56-2A, 56-6, 56-20 and 56-34 of Chapter 56,
0002 title "Urban Renewal and Community Development", be and hereby are amended
0003 to read as follows:

0004 56-1. Rehabilitation loan fund.

0005 The county council is hereby empowered and authorized by resolution to
0006 establish and thereafter to maintain a special fund to be known as the
0007 "rehabilitation loan fund" for the purpose of making loans to homeowners of
0008 low income to finance rehabilitation required to make their homes or mobile
0009 homes conform to applicable County Code requirements, provided such loans
0010 are not available on reasonable terms and conditions from other sources.
0011 The county executive shall prescribe from time to time such [terms,
0012 conditions, rules and] regulations [as it shall deem], ~~prescribed by~~
0013 ADOPTED UNDER Method (2) pursuant to OF Section 2A-1A(c)(2)15 of this
0014 ~~code~~ CODE, deemed appropriate for the making of such loans and the
0015 administration of the fund, including the right to contract with private
0016 organizations for the administration of such fund.

0017 56-2A. Authority to establish.

0018 The county council is hereby empowered and authorized by resolution to
0019 establish and thereafter to maintain a special fund to be known as the
0020 "homeowners' replacement loan fund" for the purpose of making direct loans
0021 to homeowners of low income, whose present homes cannot be rehabilitated to
0022 conform with applicable County Code requirements, to finance new homes,
0023 including prefabricated and mobile homes and to finance the purchase of land
0024 upon which a home is situated; provided, that such loans are not available
0025 on reasonable terms and conditions from other sources. The county executive
0026 shall [prescribe] ~~by~~ ADOPT UNDER Method (2) pursuant to OF Section
0027 2A-1A(c)(2)15 of this code CODE, from time to time such [terms,
0028 conditions, rules and] regulations as he or shall she deem appropriate for
0029 the making of such loans and the administration of the fund, including the
0030 right to contract with private organizations for the administration of such
0031 fund; provided, that the loans available under this fund shall be limited to
0032 those individuals whose income and net worth preclude home financing through
0033 normal banking or other financial channels. In determining the availability
0034 to the property owner of adequate commercial financing, the following shall
0035 be taken into consideration:

0001

* * *

0002

56-6. Administration.

0003

The homeowners replacement loan fund shall be administered by the

0004

director of housing and community development, pursuant to regulations to be

0005

adopted by the county executive, promulgated/by UNDER Method (2)

0006

promulgated OF Section 2A-14(c)(2)15 of this code CODE.

0007

56-30. Powers and authority of county.

0008

* * *

0009

(h) Eligibility standards. [Promulgate] ADOPT and revise standards, by

0010

executive regulations promulgated/by ADOPTED UNDER Method (2) promulgated

0011

of OF Section 2A-14(c)(2)15 of this code CODE, for eligibility for

0012

renting or purchasing opportunity housing, and establish and revise the

0013

rents, sales prices or charges therefor; such rents, sales prices or charges

0014

to be based upon a set of maximum income or other financial limits to be

0015

established and revised by the county executive for eligibility and

0016

admission to such opportunity housing. In establishing and revising such

0017

income limits, the county executive shall consider all available statistical

0018

data indicating the minimum rentals and sales prices of dwelling units or

0019

housing available or being produced in the private market, including sales

0020

price data from the county's department of finance; the vacancy ratio in

0021

rental units; the currently prevailing prices at which private enterprise

0022

can and will produce sales and rental units; and any other statistical data

0023

which at the discretion of the county executive is deemed appropriate and

0024

relevant to the general market and economic conditions that currently exist.

0025

56-34. Financial assistance.

0026

(a) The county council is hereby empowered and authorized by resolution

0027

to establish and thereafter to maintain a special fund to be known as the

0028

"Tenant Displacement Aid Fund" for the purpose of making grants and loans to

0029

persons of eligible income, as follows:

0030

(1) Down payment assistance loans

0031

a. Down payment assistance loans may be made from the tenant

0032

displacement fund to persons who are eligible for the following reasons: a

0033

household member is 62 or older at the time of the application or is

0034

physically or mentally handicapped as defined by executive regulation

0035

promulgated ADOPTED by the county executive by UNDER Method (2)

0001 ~~provided~~ OF Section 2A-1A(d)(2)15 of this ~~code~~ CODE, and has an
0002 income within the moderately priced dwelling unit ordinance income limits
0003 and is being displaced or threatened by displacement as a result of a rental
0004 facility changing in status or use, including, but not limited to, the
0005 establishment of a condominium regime, the establishment of a cooperative
0006 housing project, the establishment of a commercial use of a facility, or
0007 partial or complete demolition.

* * *

0009 (2) Rental Assistance Grant

0010 a. Grants from the tenant displacement aid fund may be made for
0011 rent differential assistance, as defined by executive regulations
0012 ~~provided~~ ADOPTED by the county executive ~~by~~ UNDER Method (2)
0013 ~~provided~~ OF Section 2A-1A(d)(2)15 of this ~~code~~ CODE, to persons
0014 who are eligible for the following reasons: a household member is 62 or
0015 older at the time of the application or is physically or mentally
0016 handicapped as defined by executive regulation, and has an income within the
0017 moderately priced dwelling unit ordinance income limits, and is being
0018 displaced or threatened by displacement as a result of a rental facility
0019 changing in status or use, including, but not limited to, the establishment
0020 of a condominium regime, the establishment of a cooperative housing project,
0021 the establishment of a commercial use of a facility, or partial or complete
0022 demolition.

* * *

0024 (b) Grant payments to the housing opportunities commission may be made
0025 for the purchase of rental units converting to condominium or other status.
0026 The county executive shall prescribe from time to time, such terms,
0027 conditions, [rules and] regulations, ~~provided~~ ADOPTED UNDER Method
0028 (2) ~~provided~~ OF Section 2A-1A(d)(2)15 of this ~~code~~ CODE, as he
0029 shall deem appropriate for the making of grants and the administration of
0030 the fund.

0031 (c) The county executive shall prescribe from time to time [such terms,
0032 conditions, rules and] regulations, ~~provided~~ ADOPTED UNDER Method
0033 (2) ~~provided~~ OF Section 2A-1A(d)(2)15 of this ~~code~~ CODE, as he
0034 shall deem appropriate for the making of all grants and loans and the
0035 administration of the fund.

0001

* * *

0002

Sec. 54A. Sections 56A-5(a)(2), 56A-8 and 56A-9(b) of Chapter 56A, title

0003

"Video Games", be and hereby are amended to read as follows:

0004

56A-5. LICENSE FEES.

0005

(A) THE FEE FOR A LICENSE ISSUED UNDER THIS CHAPTER IS:

0006

(1) PAID TO THE DIRECTOR;

0007

(2) IN THE AMOUNT THAT THE COUNTY EXECUTIVE BY REGULATION, ADOPTED

0008

UNDER METHOD (3) OF SECTION 2A-15 OF THIS CODE, SETS;

0009

(3) NOT REFUNDABLE.

0010

* * *

0011

56A-8. REGISTRATION FEE.

0012

THE FEE FOR A CERTIFICATE OR REGISTRATION ISSUED UNDER THIS CHAPTER IS:

0013

(1) PAID TO THE DIRECTOR;

0014

(2) IN THE AMOUNT THAT THE COUNTY EXECUTIVE BY REGULATION, ADOPTED

0015

UNDER METHOD (3) OF SECTION 2A-15 OF THIS CODE, SETS; AND

0016

(3) NOT REFUNDABLE.

0017

56A-9. ADMINISTRATION.

0018

* * *

0019

(B) THE COUNTY EXECUTIVE MAY ISSUE ANY NECESSARY REGULATION, ADOPTED

0020

UNDER METHOD (2) OF SECTION 2A-15 OF THIS CODE, TO IMPLEMENT THIS CHAPTER.

0021

* * *

0022

Sec. 55. Severability.

0023

The provisions of this Act are severable and if any provision, clause,

0024

sentence, section, word or part thereof is held illegal, invalid or

0025

unconstitutional, or inapplicable to any person or circumstances, such

0026

illegality, invalidity or unconstitutionality, or inapplicability shall not

0027

affect or impair any of the remaining provisions, sentences, clauses,

0028

sections, words or parts of the Act or their application to other persons or

0029

circumstances. It is hereby declared to be the legislative intent that this

0030

Act would have been adopted if such illegal, invalid, or unconstitutional

0031

provision, sentence, clause, section, word or part had not been included

0032

therein, and if the person or circumstances to which the Act or any part

0033

thereof is inapplicable had been specifically exempted therefrom.

0034

Sec. 56. Effective Date.

0035

This Act shall take effect on the 91st day following the date on which

0001 it becomes law.

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Upon motion of Councilman Scull, duly seconded and without objection, the Council approved the following amendments to the title of the bill:

Page one, Line 20, substitute in 8A-18(f), (a) (6) for "(f)"; page two, line 7, delete "(c)" in 17 38(b)(c); page two, line 27, delete "316-(a)"; page two, last line, delete "33-13A"; and page three, line 1, delete "33-76 and".

Upon motion of Councilman Scull, duly seconded and without objection, the Council voted to waive the reading of the title and proceed to enactment. Councilmembers Hanna, Potter, Gudis, Fosler, Scull and Gelman voting in the affirmative and Councilwoman Crenca being absent, Bill No. 46-83 was enacted, as amended.

MISCELLANEOUS BUSINESS:

There being no further official business to come before the County Council in Legislative Session, the meeting adjourned at 10:20 A.M. to reconvene at 1:30 P.M. on Tuesday, January 17, 1983, or at the call of the President.

ATTEST:


Kathleen A. Freedman, Acting Secretary
of the County Council for
Montgomery County, Maryland

