AN ACT to correct technical, typographical, grammatical, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law.

By amending

Montgomery County Code
Chapter 1, General Provisions
Section 1-101

Chapter 1A, Structure of County Government
Section 1A-104

Chapter 2, Administration
Section 2-73

Chapter 2A, Administrative Procedures Act
Sections 2A-16, 2A-17, and 2A-20

Chapter 8A, Cable Communications
Section 8A-31

Chapter 11, Consumer Protection
Sections 11-8 and 11-10

Chapter 11A, Condominiums
Section 11A-5

Chapter 11B, Contracts and Procurement
Section 11B-64

Chapter 14, Development Districts
Section 14-14

Chapter 16, Elections
   [[Section]] Sections 16-4, 16-8, and 16-10

Chapter 19A, Ethics
   [[Section]] Sections 19A-12 and 19A-17

Chapter 20, Finance
   Sections 20-35, 20-36, and 20-77

Chapter 22A, Forest Conservation - Trees
   Section 22A-16

Chapter 24, Health and Sanitation
   Section 24-51

Chapter 26, Housing and Building Maintenance Standards
   Section 26-4

Chapter 27, Human Rights and Civil Liberties
   Sections 27-4, 27-5, 27-11, and 27-63

Chapter 31, Motor Vehicles and Traffic
   Sections 31-9, 31-21, 31-31, 31-33, 31-46, 31-48, 31-57, and 31-62

Chapter 33, Personnel and Human Resources
   [[Section]] Sections 33-43, 33-45, and 33-118

Chapter 52, Taxation
   Sections 52-18H, 52-18I, [[and]] 52-18N, and 52-18O

Chapter 68A, Montgomery County Urban Districts
   Section 68A-5

The County Council for Montgomery County, Maryland approves the following Act:

   
   * * *

(b) When to publish new laws. The Council must publish the title or a summary of every new law. The Council must publish the title or a summary of an expedited law promptly after it becomes law. The Council should publish the title or a summary of every other law promptly after it becomes a law, but must publish the title or summary before the law takes effect.

1A-104. Heads of departments and principal offices; other positions designated as non-merit.

(a) Names. The head of a department or principal office is called the Director of the department or principal office, except that:

(1) the Director of Police is also called the Chief of Police; and

(2) the Director of the Montgomery County Fire and Rescue Service is also called the Fire Chief; and

(3) the Director of the Office of the County Attorney is called the County Attorney.

* * *

2-73. Publication of bills and council proceedings.

(a) The Council is responsible for publication as required by Section 3, Article XI-A of the Maryland Constitution. The title or a summary of all laws and
ordinances proposed [shall] must be published once a week for [two (2)] 2 successive weeks [prior to] before enactment in at least one [(1)] newspaper of general circulation in the [county] County, so that the taxpayers and citizens may have notice [thereof] of all proposed laws and ordinances. The requirement of publication of proposed legislation may be satisfied by including the title or summary in the notice of hearing. The validity of [emergency] expedited legislation [shall] is not [be] affected if the law is enacted [prior to completion of advertising thereof] before the law is advertised. If the publication requirements of the Maryland Constitution are changed, the [council shall] Council must comply with any amended requirements [but shall not be bound to publish if not required, except as may be prescribed otherwise herein] of the Constitution and state and County law.

* * *


* * *

(b) Copy to the County Council. The CAO must promptly send the [secretary] Clerk of the County Council a copy of the administrative procedures.

* * *

2A-17. Executive orders.

* * *

(c) Copy to County Council. The County Executive must promptly send the [secretary] Clerk of the County Council a copy of each executive order adopted.


* * *
(c) Free distribution. The CAO must send a copy of COMCOR, the Register, and the supplements to COMCOR to:

(1) The [secretary] Clerk of the County Council;

* * *


(a) Established. The [Telecommunications] Cable and Communications Advisory Committee may provide advice and recommendations to the County Executive, County Council, and the Department of Technology Services on all telecommunications issues, including the administration of this Chapter and any franchise agreement or application.

* * *


* * *

(c) The Director may enforce a violation of a settlement agreement under Section [[11-10]] 11-11 as if it is a violation of this Chapter.

11-10. Administrative hearing.

* * *

(i) If the hearing officer imposes a civil penalty, the hearing officer should consider:

[(A)] (1) the severity of the violation;
[(B)] (2) the severity of any harm to the consumer;
[(C)] (3) the motives of the violator;
[(D)] (4) any previous violations by the same person or entity;
[(E)] (5) whether the penalty will deter future misconduct; and
whether a stop order or restitution would sufficiently
protect consumers.

* * *


* * *

(c) Life tenancies. A household that includes a senior citizen or
handicapped citizen is entitled to an extended lease for a period of no
less than the lifetime of the senior citizen or handicapped citizen if
the:

(1) household meets the annual income limit established in
subsection (h); and

(2) [the] senior citizen or handicapped citizen has been a member
of the household for at least 12 months before the notice
required by § 11-102.1 of the Real Property Article is given.

* * *

(j) Regulations. The County Executive may adopt regulations under
method (3) to implement this Section, including regulations that
establish:

(1) recordation requirements for owners of condominium units
subject to life tenancies under this Section; and

(2) prohibitions against changing business or leasing practices to
circumvent the application of this Section.

11B-64. Sunset date.

This Article is not effective after [March 1] December 31, 2009.

14-14. Form, terms and conditions of bonds.

* * *
(b) Each bond must be signed manually or in facsimile by the County Executive, and the seal of the County must be affixed to the bonds and attested by the [Secretary] Clerk of the Council. If any officer whose signature or countersignature appears on the coupons ceases to hold that office before the bonds are delivered, the officer's signature or countersignature is nevertheless valid and sufficient for all purposes as if the officer had remained in office until delivery.

* * *

16-4. [[To be conducted]] Conducted by Board [[of supervisors]] of Elections.

The County Board [[of Supervisors]] of Elections [[of the County, established by public general law, shall constitute a special board of election supervisors for the]] must conduct [[of]] any referendum on any [[public local laws, or part thereof,]] County law as provided in Section 115 of the County Charter[], including any law, or part thereof, authorizing the issuance of bonds, notes, certificates of indebtedness, or other obligations of the County, or renewal thereof].

16-8. [Same - Notification of] Notice to Council and County Executive; public notice; [holding] date of election.

(a) The [board of election supervisors shall] Board must promptly notify the President of the Council and the County Executive of any referendum petition [[so]] filed with it and whether [[or not any]] the petition [[so filed]] is a valid petition requiring a referendum to be held under the Charter.

(b) If notified that the petition [[so filed is a valid petition requiring]] requires a referendum to be held under the Charter, the [county executive shall give] President of the Council must notify the public
[notice, in such manner as he shall determine,] by advertisement in a
newspaper of general circulation in the County that the [act] law,
unless it is an [emergency legislation] expedited law, is [without force
and] not in effect pending [the holding of the] a referendum [thereon]
on it.

(c) Emergency legislation shall remain in force from the date it shall
become law, notwithstanding the filing of a petition for referendum,
but shall stand repealed thirty (30) days after rejection by a majority
of the qualified voters voting thereon. Such] The referendum [shall]
must be held at the next regular [or special] election [(whichever first
occurs) in the county] for [the election of] any state or federal officer
for which the ballot has not already been approved, or at a special
election to be held [at such time as] on a date designated by the
County Executive [may prescribe] within 30 days after the Executive
received notice under this Section from the Board.

(d) The Board [shall] must conduct any [such] referendum [election] and
[shall] must use the same voting machines or ballots [or both] as [used
by] it [generally] uses for [election purposes in the county] other
elections.

16-10. Return of election returns [[to county executive]]; public notice
[[to be given]].

(a) [[Following]] After the election the Board [[of election supervisors
shall]] must promptly [[make a return to]] notify the Clerk of the
Council and the County Executive of the “yes” and “no” votes cast on
the question. [[If the majority of the votes so returned are “yes,” the
act or part thereof voted upon shall take effect in accordance with the
charter, and if the act is one authorizing the issuance of any bonds,
notes, certificates of indebtedness or other obligations of the county, or renewal thereof, such return of votes shall constitute an approval by the voters of the issuance of such bonds, notes, certificates of indebtedness or other obligations.]

(b) Promptly after receiving the [[return]] notice of the votes, the [[county executive shall give]] Clerk of the Council must notify the public [[notice, in such manner as he shall determine]] by advertisement in a newspaper of general circulation in the County of the result [[thereof]], and if the [[fact, or part thereof voted upon]] law is approved, of [[the]] its effective date [[thereof]].

19A-12. Restrictions on other employment and business ownership.

* * *

(c) Exceptions. Subsections (a) and (b) do not apply to:

* * *

(4) an elected public employee in regard to employment held at the time of election, if the employment is disclosed to the County Board of [[Supervisors of]] Elections before the election. The Commission must file the disclosure received from the [[Supervisor]] County Director of Elections with the financial disclosure record of the elected public employee.

* * *

19A-17. Who must file financial disclosure statements.

* * *

(d) The Executive and Council, respectively, must annually review the list of employees designated under subsections (a)(4), (a)(5), (a)(6), (b)(7), and (b)(8) for compliance with the purposes of this Article.
20-35. **County [executive]** Executive concurrence, veto, [council] Council override.

(a) The [council secretary shall] Clerk of the Council must submit any resolution of the [council] Council approving a bond guarantee to the [county executive] County Executive for approval within 3 days after adoption.

(b) If the [county executive] County Executive does not communicate disapproval of the resolution and the reasons for the disapproval to the [council] Council within 10 days after receiving the resolution, the [council's] Council's approval stands. If the [county executive] County Executive disapproves the resolution, the [council] Council may override the disapproval by an affirmative vote of at least 6 [councilmembers] Councilmembers.

(c) The [council] Council may rescind the resolution approving a bond guarantee at any time before the bonds are advertised for public sale, or, in the case of a private sale, before the sale of the bonds or distribution of a related offering circular, whichever occurs first.

20-36. **Bond guarantee endorsement; [county]** County guarantee and levy of ad valorem taxes.

(a) Each [of the bonds] bond issued [pursuant to the authority of] under this [chapter shall] Chapter must be endorsed by the guarantee of the [county] County in the following language: "The payment of interest when due and the principal at maturity is guaranteed by Montgomery County, Maryland. The full faith and credit and unlimited taxing power of Montgomery County is hereby pledged to the performance of this guarantee."
Such guarantee [shall] must be executed in the name of the [county] County and on its behalf on each [of said bonds] bond by the signatures of the [director of finance] Director of Finance and the [secretary of the county council of the county] Clerk of the County Council, which signatures may be in facsimile.

(Such bonds) Each bond, so endorsed, [shall be] is an unconditional general [obligations] obligation of the [county] County. [Montgomery] The County[], Maryland[,] hereby covenants and agrees that, [in the event that] if all funds available to the [housing opportunities commission] Housing Opportunities Commission [for the payment of] to pay the principal of and interest on outstanding bonds authorized [pursuant to this act] under this Chapter are insufficient for any reason to meet [such] principal and interest payments, in each [and every] fiscal year [in which] when any [of] such [bonds are] bond is outstanding, [it] the County will levy or cause to be levied ad valorem taxes [upon] on all the assessable property [within the corporate limits of] in the [county in] County at a rate and amount sufficient to provide for the payment, when due, of the principal of and interest on all such bonds maturing in [such] that fiscal year, and [in the event] if the proceeds from such taxes [shall] prove inadequate [for the above purposes], [it] the County will levy additional taxes in the [succeeding] next fiscal year to make up any [such] deficiency.

20-77. Payment of Supplement.

The Director of Finance must pay each [person] resident who meets certain eligibility standards a Working Families Income Supplement. If the Comptroller of the Treasury agrees, the Director may arrange for the Comptroller to pay the
Supplement. To the extent that the Comptroller does not pay the supplement, the Director must pay it directly to each eligible [person] resident.

22A-16. Penalties and other remedies

   (d) Administrative civil penalty.

   (2) In determining the amount of the civil penalty, or the extent of an administrative order issued by the Planning Director under Section 22A-17, the Planning Board or Planning Director must consider:

   The Board or Director may treat any forest clearing in a stream buffer, wetland, or special protection area as creating a rebuttable presumption that the clearing had an adverse impact on water quality.

24-51. Voting; chair; meetings; compensation.

   (d) Compensation. Except as provided in subsection (f), a member must serve without compensation.

26-4. Compliance with other laws.

   (a) Other County laws apply. In addition to this Chapter, each owner of property must also comply with any property and structure maintenance requirements in Chapter 8, Chapter 17, Chapter 22, Chapter 29, Chapter 48, Chapter 55, Chapter 58, and Chapter 59.

Article I. Commission on Human Rights.

27-1. Statement of policy.

(b) (4) Before a complaint is certified to the Commission under Sections 27-7(f)(2) or (g)(4), the director may investigate, resolve, or conciliate the complaint.

27-5. Duties generally.

(a) The Commission must:

(9) Initiate and receive complaints of discrimination, prejudice, intolerance, and bigotry from any person or group because of race, color, sex, age, marital status, religious creed, ancestry, national origin, disability, sexual orientation, [([geneticstatus]]) genetic status, presence of children, family responsibilities or source of income, that deprives that person or group of equal rights, protection, or opportunity in employment, real estate, and public accommodation. The Commission must:

(A) approve any conciliation agreement before the agreement [[in]] is enforceable as an order of the Commission;


(a) An owner, lessee, operator, manager, agent, or employee of any place of public accommodation in the County must not, with respect to the accommodation:

* * *
(2) display, circulate or publicize or cause to be displayed, circulated or publicized, directly or indirectly, any notice, communication, or advertisement that states or implies:

(A) any distinction in the availability of any facility, service, commodity, or activity related to the accommodation that would violate [[paragraph(1)] paragraph (1), or

* * *

27-63. Committee on Hate/Violence.

* * *

(a) Members. The County Executive must appoint, subject to confirmation by the County Council, a Committee on Hate/Violence. The Committee consists of 15 voting members and 6 ex-officio nonvoting members. Each voting member must, when appointed, reside in the County.

* * *

(2) Nonvoting members. The County Council, County Executive, Department of Police, [[Human Relations]] Commission on Human Rights, Montgomery County Public Schools, and Montgomery College, should each designate an ex-officio nonvoting member of the Committee.

* * *

(d) Staff. The Office of the [[Human Relations]] Commission on Human Rights must provide the Committee with staff, offices, and supplies as are appropriated for it.

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

* * *
(b) In any case involving the impoundment of a vehicle under this Section, an administrative cost set by Council resolution adopted [as provided in] under Section [2-57] 2-57A must be charged to the owner of the vehicle, in addition to all fines and penalties assessed [pursuant to] for any violation of this [chapter plus] Chapter and any towing or storage charges incurred. All such fines, penalties, costs, and charges must be paid to the County before the owner may reclaim or secure the release of the vehicle.

31-21. **Impounding illegally parked vehicles.**

* * *

(b) In any case involving the impoundment of a vehicle under this section, an administrative cost set by Council resolution adopted [as provided in] under Section [2-57] 2-57A must be charged to the owner of the vehicle, in addition to all outstanding fines and penalties assessed [pursuant to] for violations of this [article plus] Article and any towing or storage charges incurred.

* * *

31-31. **Impounding illegally parked vehicles.**

* * *

(b) In any case involving the impoundment of a vehicle [pursuant to] under this [section] Section, an administrative cost set by Council resolution adopted [as provided in] under Section [2-57] 2-57A must be charged to the owner of the vehicle, in addition to all outstanding fines and penalties assessed [pursuant to] for violations of this [article plus] Article and any towing or storage charges incurred.

* * *
31-33. Authority of [county executive] County Executive to establish fees, time limits[, etc].
   (a) Parking meters.
      * * *
   (2) The Council by resolution adopted [as provided in] under Section [2-57] 2-57A must prescribe parking meter or other fees for parking at parking facilities and on streets and roads.
      * * *
31-46. Impounding illegally parked vehicles.
      * * *
   (b) In any case involving the impoundment of a vehicle [pursuant to] under this [section] Section, an administrative cost set by Council resolution adopted [as provided in] under Section [2-57] 2-57A must be charged to the owner of the vehicle, in addition to all outstanding fines and penalties assessed [pursuant to] for violations of this [article plus] Article and any towing and storage charges incurred as a result of impoundment. All such fines, penalties, costs, and charges must be paid to the County before the owner or operator may reclaim or secure the release of the vehicle.
31-48. Parking Permit Areas.
      * * *
   (h) The Council by resolution adopted [as provided in] under Section [2-57] 2-57A must establish fees in amounts sufficient to pay the costs incidental to [the issuance] issuing and [renewal of] renewing permits under this [section] Section.
      * * *
31-57. Failure to pay or comply; penalty in addition to fine.
   - 16 -
(a) If the owner or operator does not comply with the preceding sections
and the instructions provided on a notice of violation within the period
prescribed by this [article] Article the fine for such violation must be
increased by an additional penalty set by Council resolution adopted
[as provided in] under Section [2-57] 2-57A.

* * *

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

* * *

(c) In any case involving the impoundment or immobilization of a vehicle
[pursuant to] under this [section] Section, an administrative cost set by
Council resolution adopted [as provided in] under Section [2-57] 2-57A must be charged to the owner or operator of the vehicle, in
addition to all outstanding fines and penalties assessed [pursuant to]
for violations of this [chapter plus] Chapter and any towing and
storage costs incurred. All such fines, penalties, [cost] costs, and
charges must be paid to the [county] County before the owner may
reclaim or secure the release of the vehicle.

33-43. Disability retirement

* * *

(j) Adjustment or cessation of disability pension payments.

* * *

(2) (A) The Chief Administrative Officer may reduce the amount
of the disability pension payments of a member who:

* * *

(ii) is engaged in, or able to engage in, an occupation
that pays more than the difference between the
amount of the disability pension payments and the current maximum earnings of the occupational classification from which the employee was disabled.

* * *

33-45. Vested benefits and withdrawal of contributions.

* * *

(b) Withdrawal of contributions.

(1) If a member complies with paragraph (2), the County must refund a member’s contributions with credited interest to:

* * *

(B) a member eligible to vest whose County service ends and who [[and]] voluntarily elects to withdraw, thus ceasing to be a member.

* * *

33-118. Maximum annual contribution.

(a) Contribution limitations.

(1) Notwithstanding any other provision in this Division, to the extent required under the Internal Revenue Code, the annual additions described in this Section that are allocated in any limitation year to the retirement accounts of any participant must not exceed the lesser of:

(A) $30,000, effective January 1, 1995, or $40,000, effective January 1, 2002[[,]] (the "dollar limitation"), as adjusted by the Internal Revenue Service from time to time to reflect cost of living increases; or

* * *
In this Section, for purposes of applying Section 415 of the Internal Revenue Code, "compensation" has the same meaning as provided in Treasury Regulation Section 1.415-2(d)(1), including amounts contributed at the election of the participant that are not includible in the gross income of the participant, under Sections [[125, 132(f)(4), 402(g)(3), and 457] 402(g)(3), 125, 457, and (effective January 1, 2001) 132(f)(4) of the Internal Revenue Code.

52-18I. Personal property tax - Research and development exemption.

* * *

52-18H. Property tax credit - Leased property - Religious organizations.

* * *

52-18N. Property tax credit - surviving spouse of law enforcement officer or rescue worker.

(a) The Director of Finance must allow a tax credit against the County property tax imposed on a dwelling that is owned by a surviving spouse of a fallen law enforcement officer or fallen rescue worker if the [Supervisor of Assessments] Director of Finance certifies that the taxpayer was qualified under State law for the credit before the end of the taxable year.

* * *

52-18O. Home computer telecommuting incentive

* * *

(d) The total amount of credits allowed in each [[calendar]] tax year must not exceed:
(1) $100,000 in 2006;
(2) $175,000 in 2007; and
(3) $250,000 in 2008.

Starting in 2009, the County Council must set the total amount of credits allowed in each future tax year by resolution. If the Council takes no action for any year, the amount allowed for the prior year also applies to that year.

*   *   *

68A-5. Advisory committees.

(a) Composition. Each urban district must have an advisory committee, or an urban district corporation board of directors, whose members are appointed by the County Executive and confirmed by the County Council.

(1) [The] The Wheaton Urban District Advisory Committee has 13 members if there are 2 or more optional method developments; 12 members if there is only one optional method development; and 11 members if there are no optional method developments. The Executive must strive to appoint the members so that:

   *   *   *

(3) [The] The Silver Spring Urban District Advisory Committee has 11 members. The County Executive must strive to appoint the members so that:

   *   *   *

(C) [two] three members represent a business that employs fewer than 25 employees;
(D) [three] two members represent a residential community in the urban district; and

* * *

Approved:

George L. Leventhal, President, County Council

Date

Approved:

Douglas M. Duncan, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date