

- (5) *Billing.* The Director of Finance shall collect the ad valorem charge.
- (6) *Special Account; Use of Receipts.* The Director of Finance shall credit all receipts from the ad valorem charge to a special account to the credit of the metropolitan district. From these receipts and from the amount in hand in the front-foot benefit assessment charge account, the Director shall first pay all interest and principal on metropolitan district bonds as they become due. The Director may then pay the salaries and expenses of the Department of Public Works (related to water and sewer systems) or the costs related to water and sewer capital projects, or both. The Director shall then deposit the residue of the receipts in some bank to the credit of the metropolitan district. The Director is authorized to pay the interest on any bonds that may be issued out of the proceeds of the sale of such bonds, but not more than one-year's interest may be so expended.

(C.B. 38, 1998; C.B. 69, 2016, § 1; C.B. 43, 2018, § 1)

Sec. 20.614. - Middle Patuxent Drainage Area supplemental ad valorem charge.

The Middle Patuxent Drainage Area supplemental ad valorem charge was a source of revenue to cover that portion of 87½ percent of the construction costs, bond retirement costs, interest charges and all other expenses (exclusive of land acquisition and right-of-way expenses) of the Middle Patuxent interceptor projects not covered by the Middle Patuxent Drainage Area supplemental in-aid-of-construction charge of other available and authorized revenue source. As of July 1, 2006, the Middle Patuxent Supplemental ad valorem charge was discontinued.

(C.B. 38, 1998; C.B. 41, 2006, §§ 1, 2)

Sec. 20.615. - Penalties.

(1) *Late Payment of Charges:*

(a) *Water, reclaimed water, and sewer use charges, surcharges and special charges:*

- (i) The Director of Finance shall send written notification to the owner of any property or waste hauler whose bill for water use charges, reclaimed water service charges, sewer use charges, sewer use surcharges or special charges remains unpaid after 30 days of the billed date. The Director of Finance shall charge a penalty premium payment of ten percent of the unpaid charges.
- (ii) In the event of failure to pay a water, reclaimed water, or sewer service charge or sewer use surcharge billing within 30 days, the Director of Public Works shall, after written notice left upon the premises or mailed to the last-known address of the owner, turn off the water to the property in question, and the water shall not be turned on again until said billing has been paid including any monetary penalties.

In the event of a waste hauler's failure to pay a sewer service charge or sewer use surcharge billing within 30 days, the Director of Public Works shall, after written notice mailed to the last-known address of the waste hauler, deny access to the public sewerage system by the waste hauler for the purpose of discharging sewage. Access to the sewer system shall not be restored until the billing has been paid including any monetary penalties.

- (iii) If any bill still remains unpaid, it shall be collectible from the owner of the property in the same manner and subject to the same interest as taxes on the property; and the charge and all penalties shall be a first lien against the property.

If a waste hauler's bill remains unpaid 60 days after issuance, the bill shall be collectible from the surety provided by the waste hauler as required by subsection 20.602(5) of this subtitle. In addition, the waste hauler's discharge permit issued pursuant to section

18.122A "regulation of discharges to the public sewerage system" may be revoked. The Director may also authorize the office of law to institute the appropriate action at law against the waste hauler to collect any unpaid charges and fees.

- (b) *In-aid-of-construction charges.* Unless the owner has paid all required supplemental and regular in-aid-of-construction charges, no property will be permitted to connect to the public water and/or sewer system.
 - (c) *Front-foot benefit assessment charges; ad valorem charges.* If the front-foot benefit assessment charges and the regular and supplemental ad valorem charges are not paid within 30 days after becoming due, they shall be collectible in the same manner and subject to the same interest as taxes on the property. The charge(s) and all penalties shall be a first lien against the property.
- (2) *Falsification or Evasion.* Any water, reclaimed water, or sewerage system user who knowingly participates or aids in the falsification of data or in the evasion of water service charges, reclaimed water service charges, sewer service charges or sewer use surcharges shall be guilty of a misdemeanor and, upon conviction thereof by any court of competent jurisdiction, shall be subject to a fine of not more than \$500.00 or imprisonment not exceeding six months or both, for each offense. Each day's continuance of falsification or evasion shall be considered a separate offense.
 - (3) *Violation of Provisions of Subtitle.* Any violator of any provision of this subtitle (including rules and regulations adopted hereto) shall be notified of such violation by written notification of the Director of Public Works. The violator shall be ordered to cease the violation and shall be given a reasonable time in which to do so. Continuation of the violation beyond the time limit established shall result in termination of public water or reclaimed water service, disconnection from the public sewer system, or denial of access to the public sewerage system, whichever action is deemed appropriate by the Director. Service or access shall be restored when the violation is corrected.

(C.B. 38, 1998; C.B. 17, 2003, § 4; C.B. 27, 2007, § 2)

Sec. 20.616. - Charges for property outside of the metropolitan district connected to public water or sewer by Health Officer order.

- (a) *Purpose.* The purpose of this section is to provide for payment of the costs associated with the provision of public water or sewer to parcels outside of the metropolitan district which are connected to the public water or sewerage system by order of the Health Officer under section 12.105 of the County Code.
- (b) *Definitions:*
 - (1) *Front foot system benefit charge* means a charge to cover the cost of interest and principal on bonds for construction, purchase or establishment of the public water supply and sewerage system, calculated in the same manner as the annual front foot benefit charges required by section 20.610 of this subtitle. The front foot system benefit charge shall be paid for a period not to exceed 30 years.
 - (2) *General system benefit charge* means a charge to pay for costs associated with the provision of water and sewer which are not covered by other fees and charges. The general system benefit charge shall be determined annually by County Council resolution and shall be calculated in the same manner as the ad valorem rate assessed on property located in the metropolitan district.
 - (3) *Middle Patuxent Drainage Area system benefit charge* means a charge to pay for costs associated with the construction of the Middle Patuxent Drainage Area interceptor projects that are not covered by the Middle Patuxent Drainage Area supplemental in-aid-of-construction charge. This charge was paid by owners of parcels located outside of the planned service area which the Health Officer orders to be connected to the public sewerage system and which drain

into the Middle Patuxent Drainage Area of the metropolitan district. This charge was determined annually by Council resolution and calculated in the same manner as the supplemental ad valorem rate assessed on property within the Middle Patuxent Drainage Area subdistrict. As of July 1, 2006, the Middle Patuxent Drainage Area system benefit charge was discontinued.

- (c) *Charges and Fees.* The following charges and fees shall be paid by the owners of parcels outside of the metropolitan district which receive public water or sewer:
- (1) Water and/or sewer service charges, as defined in section 20.605 of this subtitle;
 - (2) Water and/or sewer service connection charges, as defined in section 20.608 of this subtitle;
 - (3) Front foot system benefit charge, as defined in this section;
 - (4) In-aid-of-construction charges, as defined in section 20.611 of this subtitle;
 - (5) General system benefit charge, as defined in this section; and
 - (6) Water and/or sewer special charges, as defined in subsection 20.605(3) of this subtitle.
- (d) *Billing; Penalties:*
- (1) The Director of Finance shall bill the property owner for the charges and fees required to be paid under this section, on an annual, semi-annual, or quarterly basis, as appropriate.
 - (2) Late payment of the charges and fees required to be paid under this section may be subject to interest and penalties as provided in this subtitle.

(C.B. 32, 2002, § 1; C.B. 41, 2006, § 2)

Sec. 20.617. - Repayment of outstanding connection charges, in-aid-of-construction charges and supplemental in-aid-of-construction charges.

- (a) The property owner may pay off any outstanding connection charges, in-aid-of-construction charges and supplemental in-aid-of-construction charges at any time before the end of the five-year repayment period; and interest on the charges shall be only for the period up to the date of early payment.
- (b) If the property owner sells or transfers property on which he/she is paying connection, in-aid-of-construction or supplemental in-aid-of-construction charges in installments, the total remaining amount of the charges shall become due and payable as of the date of transfer of the property with interest due and payable up to the same date.

(C.B. 38, 1998)

SUBTITLE 7. - WATER/SEWER CONNECTION FINANCING PROGRAM

Sec. 20.700. - Water/sewer connection financing program established; purpose; applicability.

- (a) There is a program to provide loans to finance all or part of the costs of connecting existing buildings to the public sewerage system or the public water and sewerage systems. The program may not be used to finance the costs of only connecting to the public water system.
- (b) The purpose of this program is to encourage as many property owners as possible to connect to the public sewerage system in order to reduce the number of septic systems in the planned service area.
- (c) This subtitle shall only apply to a property owner who seeks to connect to:
 - (1) The public sewerage system; or
 - (2) Both the public water and sewerage systems.

(C.B. 38, 1998; C.B. 22, 2013, § 1)

Editor's note— C.B. 22, 2013, § 1, amended § 20.700 title to read as herein set out. Former § 20.700 title pertained to water/sewer connection financing program established.

Sec. 20.701. - Eligibility.

The owner of property located in the planned service area of the Howard County Master Plan for water and sewerage system is eligible for a loan under the water/sewer connection financing program under this subtitle if:

- (a) The property is located within the metropolitan district;
- (b) The property owner has submitted a petition to the Director of Public Works to incorporate the property into the metropolitan district; or
- (c) The Health Department has ordered the property to be connected to the public water and/or sewerage system under section 12.105 of this Code.

(C.B. 38, 1998; C.B. 32, 2002, § 1; C.B. 22, 2013, § 1)

Sec. 20.702. - Costs which may be financed.

The following County charges and plumbing charges may be financed with a loan under the water/sewer connection financing program:

- (1) Water and/or sewer house connection charges;
- (2) Water and/or sewer in-aid-of construction charges and supplemental sewer in-aid-of construction charges, if applicable;
- (3) Plumbing permit fee;
- (4) Costs to physically connect the existing building to the public sewerage system or the public water and sewerage systems; and
- (5) Costs to disconnect and seal all existing connections to wells and/or septic systems.

(C.B. 38, 1998; C.B. 22, 2013, § 1)

Sec. 20.703. - Application form.

- (a) *Application for Participation.* The owner of property that meets the requirements of section 20.701 of this subtitle may apply for a loan under the water/sewer connection financing program by filing an application with the Director of Public Works.
- (b) *Application:*
 - (1) The application for a loan under the water/sewer connection financing program shall be signed by all owners of record of the property. The application form shall include:
 - (i) The names and addresses of all owners of record of the property;
 - (ii) The address and tax account number of the property that is to be connected;
 - (iii) An estimate of the costs for which the property owner is requesting assistance;
 - (iv) A statement acknowledging that the property owner is responsible for the selection of the contractor and for the performance of all work needed to connect to the public sewerage

system or the public water and sewerage systems and that the County does not warrant the work performed by the contractor;

- (v) A statement granting the Department of Public Works authority to enter the property, if necessary, to do work associated with the connection and/or in case of emergency, to perform the work;
 - (vi) A statement that the property owner will repay the County for the full amount financed, plus interest, in installments over a period not to exceed ten years;
 - (vii) If applicable, a copy of the Health Department's order to connect the property to the public water and/or sewerage system;
 - (viii) A statement from the Director of Public Works that the public water and/or sewer service is available to the property;
 - (ix) A statement that financing under this subtitle is subject to the availability of funds; and
 - (x) A statement acknowledging that each person required to sign the application shall, as a condition of acceptance into the program, execute all documents the County deems necessary to secure repayment of the loan.
- (c) *Approval of Application.* After review of all documentation under subsection (b) of this section, the Director of Public Works shall approve or disapprove an application.

(C.B. 38, 1998; C.B. 22, 2013, § 1)

Sec. 20.704. - Administration.

- (a) *Notice to Department of Finance.* After approving an application under section 20.703 of this subtitle, the Director of Public Works shall notify the owner of the property and the Director of Finance that the property will be connected to the public sewerage system or the public water and sewerage systems under the water/sewer connection financing program.
- (b) *Department of Public Works to Contact Owner.* After approving an application under section 20.703 of this subtitle, the Director of Public Works shall notify the owner of the property of the approval and shall arrange for an accounting of the cost of the work to connect the property to the public sewerage system or the public water and sewerage systems.
- (c) *Account of Costs.* Upon completion of the connection work, including a satisfactory inspection of the plumbing work by the Department of Inspections, Licenses and Permits, the property owner shall provide the Director of Public Works with a detailed account of the costs of connection, including copies of all invoices, bills, or other evidence of the costs.

(C.B. 38, 1998; C.B. 22, 2013, § 1)

Sec. 20.705. - Financing; terms.

- (a) *Interest Rate.* The interest rate on a loan under the water/sewer connection financing program shall be established by the Director of Finance.
- (b) *Documentation.* In order to secure repayment of a loan under the water/sewer connection financing program, the recipient of the loan shall execute a promissory note, deed of trust, and any other documents the County deems necessary.
- (c) *Early Repayment Authorized.* The property owner may make early repayment of a loan under the water/sewer connection financing program at any time. Interest on the loan shall be charged only for the period up to the date of early repayment.

- (d) *Balance Payable upon Transfer of Property.* If the property for which a loan under the water/sewer connection financing program was made is sold or transferred, the total remaining amount of the loan shall become due and payable as of the date of transfer of the property, with interest due and payable up to the same date.

(C.B. 38, 1998)

Sec. 20.706. - Transitional provisions.

The terms and conditions of loans for mandatory water/sewer connections made prior to January 1, 1998, which were made under previously existing provisions of subsection 18.104(b) "water and sewer connections" or subtitle 9 "financing mandatory water and/or sewerage connections made by the Department of Public Works" of the Howard County Code shall continue in effect until the loans are repaid.

(C.B. 38, 1998)

SUBTITLE 8. - SHARED SEWAGE DISPOSAL FACILITIES CHARGES AND ASSESSMENTS⁽⁶⁾

Footnotes:

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Editor's note— Section 2 of C.B. 16, 2006 amended and restated subtit. 8, §§ 20.800—20.804 in its entirety to read as herein set out. Former subtit. 8 pertained to the same subject matter and derived from C.B. 8, 2005.

Cross reference— Shared sewage disposal facilities, § 18.1200 et seq.

Sec. 20.800. - Purpose.

The purpose of this subtitle is to provide a payment mechanism to reimburse the controlling authority for the operation, maintenance, and continuance of shared sewage disposal facilities.

(C.B. 16, 2006, § 2)

Sec. 20.801. - Definitions.

Terms used in this subtitle have the meanings indicated.

- (a) *Board of Education* has the meaning stated in section 18.1201 of this Code.
- (b) *Controlling Authority* has the meaning stated in section 18.1201 of this Code.
- (c) *Permit* has the meaning stated in section 18.1201 of this Code.
- (d) *Residential lot* has the meaning stated in section 18.1201 of this Code.
- (e) *Shared sewage disposal facility* has the meaning stated in section 18.1201 of this Code.

(C.B. 16, 2006, § 2)

Sec. 20.802. - Operation, maintenance, repair, and replacement fee.

- (a) *Payment of Fee.* The owner of each residential lot shall pay the controlling authority an annual fee for the operation, maintenance, repair, and replacement of a shared sewage disposal facility. The fee shall be paid regardless of whether the lot is occupied.
- (b) *Delegation of Authority.* The County or the Board of Education may enter into an agreement under section 18.1208 of this Code to empower another governmental body to act as the controlling authority and to have all the rights and responsibilities of the County as set forth in this subtitle.
- (c) *Operation, Maintenance, Repair, and Replacement Fee.* The fee shall include:
 - (1) The cost to operate, maintain, repair, and replace the shared sewage disposal facility, including, but not limited to:
 - (i) Periodic inspection of the facility;
 - (ii) Periodic septage removal;
 - (iii) Repair of tanks, piping, pumps and electrical systems;
 - (iv) Repair of the subsurface wastewater disposal area;
 - (v) Cost of replacing, at the end of their anticipated useful lives, tanks, pumps, piping, electrical systems or other components of the shared sewage disposal facility;
 - (vi) Costs associated with relocation of the subsurface wastewater disposal area at the end of its anticipated useful life;
 - (vii) Administrative costs, including, but not limited to legal, billing, overhead, enforcement, and liability insurance;
 - (viii) Electrical costs that are not the responsibility of the residential lot owner;
 - (ix) Chemicals, supplies, and other costs associated with wastewater treatment; and
 - (x) Costs to repair or maintain the components of the collection system; and
 - (2) An amount to cover the controlling authority's costs for:
 - (i) Repairing tanks, pumps, piping, or facilities within a subsurface wastewater disposal area or residential lot that fail prematurely; and
 - (ii) Relocating a subsurface wastewater disposal area that fails prematurely.
- (d) *Fee Established:*
 - (1) The controlling authority annually shall establish the fee for a shared sewage disposal facility.
 - (2) The fee shall be based on the historical operating, maintenance, and repair costs or an estimate of those costs for a new shared sewage disposal facility and the estimated replacement cost of the shared sewage disposal facility and shall include:
 - (i) Any anticipated costs pursuant to a systematic procedure established by the controlling authority;
 - (ii) Any surplus or deficit projected to exist at the end of the current fiscal year;
 - (iii) Any costs required to comply with a condition of the permit; and
 - (iv) Any costs required to comply with State laws and regulations governing shared sewage disposal facilities.
 - (3) After renewal of the permit, the fee shall include the estimated costs of complying with all State and local regulations and conditions of the permit.
- (e) *Timing of Initial Payment.* The initial fee is due at the time the property is connected to the shared sewage disposal facility.
- (f) *Payment by Developer:*

- (1) A developer may choose to pre-pay some or all of the operation, maintenance, repair, and replacement fee for a residential lot.
 - (2) If the developer prepays a fee for a residential lot, a subsequent owner of the lot is responsible for the difference between the actual fee and the amount pre-paid by the developer.
- (g) *Charge to Appropriate Accounts.* If the County is the controlling authority, the County shall charge the costs of its operations, maintenance, repair, and replacement activities for shared sewage disposal facilities to the appropriate accounts included in the budget for the current fiscal year and funded by the annual operations, maintenance, repair, and replacement fees paid by owners of residential lots under this section.

(C.B. 16, 2006, § 2)

Sec. 20.803. - Billing; interest; collection of fees.

- (a) *Billing.* The controlling authority shall periodically bill the owner of a residential lot for the annual operations, maintenance, repair, and replacement fee.
- (b) *Interest.* If the owner of a residential lot does not pay the amount billed within 30 days after the billing date, the controlling authority may add interest at the rate of one and one-half percent to the unpaid Amount for every month, or portion thereof, that the bill remains unpaid.
- (c) *Collection of Fees.* If the County is not the controlling authority, the County may enter into a written agreement with the controlling authority to collect the annual operations, maintenance, repair, and replacement fee from the owner of a residential lot in accordance with this section.

(C.B. 16, 2006, § 2)

Sec. 20.804. - Advances from the general fund.

- (a) *Authority.* If the County is the controlling authority, the Director of Finance may make advances from the general fund for shared sewage disposal facilities if:
 - (1) (i) There are insufficient funds in the account for a shared sewage disposal facility to pay for routine maintenance of the facility; and
 - (ii) The funds are prepaid by the County from future operations, maintenance, repair, and replacement fees paid by the owners of residential lots; or
 - (2) (i) The amount in the account for unplanned major replacement costs for any shared sewage disposal facility is insufficient to cover the cost to the County of an unplanned major replacement; and
 - (ii) The funds are repaid by the County from that portion of any future operations, maintenance, repair, and replacement fees earmarked for major replacement costs.
- (b) *Agreement.* If the County is not the controlling authority, the Director of Finance may not advance funds from the general fund unless a written agreement for repayment is entered into between the County and the controlling authority.
- (c) *Billing When Advance from General Fund.* Regardless of whether the County is the controlling authority, the County may collect the annual operations, maintenance, repair, and replacement fee from the owner of a residential lot if an advance from the general fund is made under this section.

(C.B. 16, 2006, § 2)

SUBTITLE 9. - REFUSE COLLECTION CHARGE

Sec. 20.900. - Definitions.

- (a) *In General.* In this subtitle the following terms have the meanings indicated:
- (b) *Residential property* means:
 - (1) Real property under a single tax account that is improved with one or more dwelling units and that is assessed on the basis of residential use.
 - (2) Includes single-family residences and separately owned town houses and condominium units.
 - (3) Does not include rental apartment buildings or mobile home parks.
- (c) *Dwelling unit* means one or more rooms in a structure arranged and designed to be used by a single-family for living and sleeping purposes and having a kitchen or kitchenette.
- (d) *Ellicott City Refuse Collection Zone* means:
 - (1) The improved real property in the Ellicott City area of the County that is not residential property, for which the County provides refuse collection service.
 - (2) The council shall define the Ellicott City Refuse Collection Zone in the resolution that establishes the refuse collection charge.
- (e) *Refuse collection service* means the collection and disposal by the County of solid waste.

(C.B. 38, 1998; C.B. 15, 2008, § 2)

Sec. 20.901. - Refuse collection charge.

- (a) *Refuse Collection Charge for Residential Property.* There is a refuse collection charge levied annually on all residential property for which the County provides refuse collection service.
 - (1) Except as otherwise provided in this subsection, the Council shall levy a uniform basic charge on each residential property for which the County provides refuse collection service.
 - (2) The owner of a residential property on which there is more than one dwelling unit may apply to the Department of Public Works to receive refuse collection service for additional dwelling units. The charge levied on residential property that receives additional service shall be the uniform basic charge multiplied by the number of dwelling units receiving refuse collection service.
 - (3) The uniform basic charge for residential property for which refuse collection service is provided shall be established by resolution of the County Council.
 - (4) The County Council shall establish by resolution the uniform basic charge for residential property for which collection service is provided and the quantity of refuse collected for the basic charge.
- (b) *Refuse Collection Charge for Ellicott City Refuse Collection Zone.* There is a refuse collection charge levied annually on property in the Ellicott City Refuse Collection Zone.
 - (1) The Council shall levy a uniform basic charge on property in the Ellicott City Refuse Collection Zone, and may include a surcharge for commercial uses which generate a significant quantity of refuse.
 - (2) The County Council shall establish by resolution the uniform basic charge and the amount of any surcharge imposed on property in the Ellicott City Refuse Collection Zone.

(C.B. 38, 1998)

Sec. 20.902. - Billing and collection.

- (a) *Billing Procedure.* The Department of Finance shall include the refuse collection charge as a separate item on the real property tax bill for each property for which the County provides refuse collection service.
- (b) *Collection; Enforcement.* The refuse collection charge under this subtitle shall be collected in the same manner as County real property taxes and shall have the same priority, rights, and bear the same interest and penalties, and be enforced in the same manner as County real property taxes.

(C.B. 38, 1998)

Sec. 20.903. - Collection of excess refuse.

- (a) *Additional Refuse.* The Department of Public Works may provide for the collection of additional quantities of refuse or for additional refuse collection services from residential property upon the payment of a fee.
- (b) *Establishment of Fee.* The County Council shall establish by resolution any fees authorized by subsection (a) of this section.

(C.B. 38, 1998; C.B. 15, 2008, § 2)

Sec. 20.904. - Refuse collection charge assistance program.

- (a) *Program Established.* There is a refuse collection charge assistance program, administered by the Department of Finance, to assist individuals who qualify under the program in payment of the refuse collection charge established under this subtitle.
- (b) *Application and Eligibility:*
 - (1) *Application.* Application for assistance under the program shall be made to the Department of Finance on forms prescribed by it, and shall include sufficient information and documentation to allow the Department of Finance to evaluate the eligibility of the Applicant.
 - (2) *Eligibility.* An individual is eligible for assistance under the program if:
 - (i) The individual:
 - a. Owns residential property for which the County provides refuse collection services; or
 - b. Owns a mobile home that is located in a mobile home park in the County, for which the County provides refuse collection service, if the individual submits evidence that he or she is paying the refuse collection charge to the park owner under subsection 16.511(d) of the County Code;
 - (ii) The individual's income is 250 percent or less of the poverty level, as established by the U.S. Department of Health and Human Services, and adjusted for family size; and
 - (iii) On July 1 of the year in which application is made, the individual:
 - a. Resides in the property for which refuse collection services are provided; or
 - b. In the case of a mobile home owner, the individual resides in the mobile home.
- (c) *Amount of Assistance.* Upon determination of eligibility, the Department of Finance shall provide assistance in the form of a grant or a credit in the amount of 60 percent of the refuse collection charge.

(C.B. 38, 1998; C.B. 15, 2008, § 2; C.B. 36, 2008, § 1)

SUBTITLE 10. - STREETLIGHT DISTRICT CHARGES

Sec. 20.1000. - Purpose.

- (a) In order to finance the material and installation costs, as well as the maintenance and operating costs for the two-year period commencing on the date of completion of the installation of the first streetlight, of all the new streetlights in a streetlight district created in accordance with title 18, subtitle 8, "streetlights," of the Howard County Code, there is hereby levied a charge against all real property, improved and unimproved, within a streetlight district.
- (b) The charge shall be levied, collected and have the same priority, right and bear the same interest and penalties and in every respect be treated the same as County taxes.
- (c) All receipts from the charges pursuant to this section shall be credited by the Director of Finance to a special account established on his books; and the receipts shall be used only for the purpose of the installation and material costs, as well as the maintenance and operating costs, of a streetlight district.

(C.B. 38, 1998)

Sec. 20.1001. - Charge computation.

The annual charge for each parcel within a streetlight district shall be computed using the following formula:

Charge =	$\frac{avp}{avps}$	x	$\frac{c}{2}$
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Where:

avp = Current assessed value of specific parcel or property and improvements thereon.

avps = Total current assessed values of all parcels and properties and improvements thereon in the district.

c = The sum of:

- (1) The total estimated material and installation costs for all proposed new streetlights in the district, reduced by the amount of advance payments or legally binding commitments (other than the charges imposed by this subtitle of the Howard County Code) from persons or entities to pay part or all of such material or installation costs; and
- (2) The total projected operating and maintenance costs for the proposed new streetlights for a period of two years commencing with the installation of the first new streetlight in the district.

(C.B. 38, 1998)

SUBTITLE 11. - WATERSHED PROTECTION AND RESTORATION²¹

Footnotes:

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Editor's note— Section 2 of C.B. 38-2013 set out provisions as follows: "And Be It Further Enacted by the County Council of Howard County, Maryland, that, for a non-residential property with a Watershed Protection and Restoration Fee that exceeds \$10,000: (1) For Fiscal Year 2014, the property owner shall pay the greater of 50% of the Watershed Protection and Restoration Fee or \$10,000. (2) For each other Fiscal Year, the property owner shall pay 100% of the Watershed Protection and Restoration Fee."

Sec. 20.1100. - Purpose; applicability.

- (a) *Purpose.* To protect the public health, safety, and welfare, the County's Stormwater Management, Storm Drainage, and Water Quality Programs must be supported by an adequate, sustainable source of revenue. All real property in the County, including property owned by tax-exempt entities, benefits from these County programs and services. Further, those with higher amounts of uncontrolled impervious area contribute greater amounts of stormwater or pollutants to the County's stormwater management facilities, storm drains, and streams, and therefore should carry a proportionate burden of the cost. Therefore, the County has determined that it is in the interest of the public to enact a watershed protection and restoration fee that allocates program costs to all owners of improved real property based on impervious surface measurement, as described in this subtitle.
- (b) The watershed protection and restoration fee shall be charged on all improved property in the County, except for property exempted under Section 4.202.1 of the Environment Article of the Annotated Code of Maryland.

(C.B. 8, 2013, § 2)

Sec. 20.1101. - Definitions.

Except as provided below, terms used in this subtitle shall have the meanings set forth in section 18.901 of this Code:

- (a) *Fee* means the watershed protection and restoration fee.
- (b) *Fund* means the Watershed Protection and Restoration Fund.
- (c) *Impervious surface measurement* means the number of square feet of horizontal impervious area.
- (d) *Impervious unit* means 500 square feet.
- (e) *Impervious unit rate* means the monetary amount established by Resolution of the County Council that, when multiplied by the impervious units on a property, determines a nonresidential property's Watershed Protection and Restoration Fee.
- (f) *Office* means the Office of Community Sustainability.

(C.B. 8, 2013, § 2; C.B. 38, 2013, § 1(2); C.B. 3, 2015, § 1)

Sec. 20.1102. - Watershed protection and restoration fund.

- (a) *Dedicated Fund.* In accordance with Title 4, Subtitle 2 of the Environment Article of the Annotated Code of Maryland, the County's Watershed Protection and Restoration Fund is hereby established as a dedicated, non-lapsing, Enterprise Fund.
- (b) *Revenue.* The following revenue shall be deposited into the fund:
 - (1) Monetary contributions to meet the provisions of title 18, subtitle 9 of this Code regarding stormwater management alternatives;

- (2) All monetary fines, penalties, and costs associated with violations of title 18, subtitle 3 and subtitle 9 of this Code;
 - (3) All money collected from the imposition of the fee;
 - (4) All interest or other income earned on the investment of money in the fund; and
 - (5) Any additional money made available from any sources for the purposes for which the fund has been established.
- (c) *Expenses.* In accordance with Title 2, Subtitle 4 of the Environment Article of the Annotated Code of Maryland and subject to subsection (d) of this section, the fund shall only be used for the following expenses:
- (1) Capital improvements for stormwater management including stream and wetland restoration projects;
 - (2) Operation and maintenance of stormwater management systems and facilities;
 - (3) Public education and outreach relating to stormwater management or stream and wetland restoration;
 - (4) Stormwater management planning, including:
 - (i) Mapping and assessment of impervious surfaces; and
 - (ii) Monitoring, inspection, and enforcement activities to carry out the purposes of the fund;
 - (5) To the extent that fees imposed under Section 4-204 of the Environment Article of the Annotated Code of Maryland are deposited into the fund, review of stormwater management plans and permit applications for new development;
 - (6) Grants to nonprofit organizations for up to 100 percent of a project's costs for watershed restoration and rehabilitation projects relating to:
 - (i) Planning, design, and construction of stormwater management practices;
 - (ii) Stream and wetland restoration; and
 - (iii) Public education and outreach related to stormwater management or stream and wetland restoration; and
 - (7) Reasonable costs necessary to administer the fund.
- (d) *Expenditure Priority.* Subject to the County Executive's budget authority under the Charter, the first priority for expenditure of revenue from the watershed protection and restoration fee collected under this subtitle shall be to pay the debt service on bonds, notes, and other obligations issued to finance or refinance capital improvements or related expenses in connection with stormwater management systems and facilities.

(C.B. 8, 2013, § 2)

Sec. 20.1103. - Watershed protection and restoration fee.

- (a) The County shall charge and a property owner shall pay an annual Watershed Protection and Restoration Fee.
- (b) The fee shall be adopted by resolution of the County Council.
- (c) *Setting the Rate.* The County Council shall adopt by resolution a schedule of impervious unit rates and a schedule of rates for residential properties.
- (d) *Method of Calculation.* The fee based on the amount of impervious surface shall be calculated as follows:

- (1) Determine the impervious surface measurement in square feet for the property, rounded to the nearest whole impervious unit.
 - (2) Multiply the property's impervious units by the Impervious Unit Rate.
- (e) *Determining What Constitutes Impervious Area.* The County shall determine the impervious surface measurement for a property based on:
- (1) Analysis of aerial photography;
 - (2) Measurement from approved engineering drawings including, without limitation, as-built drawings or site plans;
 - (3) Field surveys signed and sealed by a Professional Engineer or Professional Land Surveyor licensed in the State of Maryland; or
 - (4) Inspections conducted by the Department.
- (f) *Agricultural Properties.* If a property has an agricultural use assessment as determined by the State Department of Assessments and Taxation, the fee shall be:
- (1) The residential rate if:
 - (i) The property has a fully implemented Soil Conservation and Water Quality Plan that has been approved by the Soil Conservation District or a forest conservation and management agreement with the Maryland Department of Natural Resources; or
 - (ii) The property owner has agreed to enter into, and is in the process of implementing, a soil conservation and water quality plan; or
 - (2) Computed based on the impervious surface measurement calculated for the entire property, if the property has not implemented a Soil Conservation and Water Quality Plan approved by the Soil Conservation District.

(C.B. 8, 2013, § 2; C.B. 38, 2013, § 1(3))

Sec. 20.1104. - Schedule of rates; regulations.

- (a) The County Council shall adopt by resolution a schedule of rates that shall include:
- (1) The impervious unit rate that may be based on certain variables relative to a property's characteristics;
 - (2) Rates for residential properties;
 - (3) Rates for credits awarded under section 20.1105 of this subtitle;
 - (4) Rates for reimbursements awarded under section 20.1106 of this subtitle; and
 - (5) Rates for reimbursements awarded under the Watershed Protection and Restoration Fee Assistance Program.
- (b) *Regulations.* The County may adopt regulations to administer the provisions of this subtitle.

(C.B. 8, 2013, § 2; C.B. 38, 2013, § 1(4))

Sec. 20.1105. - Credits.

- (a) *Authority.* The fee assessment may be adjusted through the use of credits.
- (b) *Eligibility.* An owner of a property subject to the fee may be eligible for an annual credit in the form of an annual reduction of the fee if the owner makes an investment in a stormwater best

management practice as defined in the Maryland Stormwater Design Manual published by the Maryland Department of the Environment.

- (c) *Ineligibility.* A credit may not be awarded:
 - (1) To a property owner who provides only aesthetic maintenance of a stormwater management facility, which for purposes of this section includes maintenance activities that are not essential to the proper operation or function of the facility; or
 - (2) For stormwater management facilities that are not functioning properly or as intended.
- (d) *Application Requirements and Certification Reports.* An application for a credit shall:
 - (1) Be made to the Office on forms prescribed by it;
 - (2) Be made on or before a date set by the Office;
 - (3) Include information and documentation to allow the Office to evaluate the eligibility of the applicant and the stormwater best management practice; and
 - (4) Be accompanied by an application fee of \$75.00.
- (e) *Amount of Credit.*
 - (1) Upon a determination of eligibility, the County shall provide a credit as set forth in a rate schedule adopted by Resolution of the County Council and the application fee shall either be applied towards the Applicant's tax account or refunded.
 - (2) If the County Executive determines that the balance in the County's Watershed Protection and Restoration Fund is sufficient to cover the costs that are reasonably expected during the current and following fiscal year, the County Council may authorize, at the request of the County Executive, an additional credit of up to 100 percent of the Watershed Protection and Restoration Fee for each property that is subject to the fee.
- (f) *Credit Recertification for Continued Credit.* In order to remain eligible for a credit, a property owner shall submit a recertification application:
 - (1) Every three years;
 - (2) At the owner's expense; and
 - (3) To the Office on a form provided by it.
- (g) *Inspections.* The Department, or its designee, may enter upon any property to inspect stormwater best management practices for which a credit is awarded. Credits may not be awarded if a property owner refuses to permit an inspection.
- (h) *Proration.* The fee shall not be prorated for a credit approved by the County during the billing year and any approved credits shall be applied to the next billing cycle.
- (i) *Nonprofit Entities.* A nonprofit entity that qualifies as not for profit under the Internal Revenue Code may receive a credit for stormwater treated on its property under one of the two following options:
 - (1) *Equivalent percentage.* The nonprofit entity may receive a credit that is equivalent to the percentage of stormwater treated onsite; or
 - (2) *Maximum percentage.*
 - (i) A nonprofit entity may receive a credit of up to 100 percent of the fee if the nonprofit entity:
 - a. Allows the County to enter onto its property to assess the property and to advise the nonprofit entity of ways to treat stormwater to the maximum extent practicable; and
 - b. Implements the improvements recommended by the County.
 - (ii) *County assistance.* The County may:

- a. Award grants to nonprofit entities to assist with the payment for improvements to treat stormwater to the maximum extent practicable; or
- b. Waive the fee until work is completed and the credit is awarded.

(C.B. 8, 2013, § 2; C.B. 38, 2013, § 1(5); C.B. 3, 2015, § 1; C.B. 20, 2016, § 1)

Sec. 20.1106. - Reimbursements.

- (a) *Authority.* The fee assessment may be adjusted through the use of reimbursements when an investment in an on-site stormwater best management practice reduces the impact on the public stormwater management system.
- (b) *Eligibility.* An owner of a property subject to the fee may be eligible for a one-time partial reimbursement for the cost of a stormwater best management practice when the property owner is able to show that the practice has been completed and is functioning as designed.
- (c) *Application Requirements.* An application for a reimbursement shall:
 - (1) Be made to the Office on forms prescribed by it;
 - (2) Be made on or before the earlier of a date set by the Office or 12 months after the completion of work; and
 - (3) Include information and documentation to allow the Office to evaluate the eligibility of the Applicant and the stormwater best management practice.
- (d) *Amount of Reimbursement.* Upon a determination of eligibility, the County shall provide a reimbursement in an amount set forth in a rate schedule adopted by resolution of the County Council.
- (e) *Annual limit on amount of reimbursements awarded.*
 - (1) During a fiscal year, the total of all reimbursements awarded under this section shall not exceed an amount set forth in the annual budget and appropriation ordinance.
 - (2) Reimbursements shall be awarded in the order in which the Office receives complete applications under subsection (d) of this section.

(C.B. 8, 2013, § 2; C.B. 3, 2015, § 1)

Sec. 20.1107. - Billing; method of collection; interest and penalties.

- (a) *Billing Procedure.* The Department of Finance may include the Watershed Protection and Restoration Fee as a separate item on the real property tax bill for each property subject to the fee. Contact information for questions and appeals shall be included with the bill's mailing.
- (b) *Due.* The watershed protection and restoration fee shall be considered delinquent if not paid on or before the due date shown on the bill.
- (c) *Interest Accrual.* Unless the fee billed to a property owner is under active appeal, interest on an overdue payment accrues according to the same schedule and at the same rate charged for delinquent real property taxes until the owner has remitted the outstanding payment and interest in full.
- (d) *Collection; Enforcement.* The fee charged pursuant to this subtitle shall be collected in the same manner as County real property taxes and shall have the same priority, rights, and bear the same interest and penalties, and be enforced in the same manner as County real property taxes. The unpaid charge is a lien against the property and, accordingly, the lien has the same priority as a lien imposed for nonpayment of real property taxes.

(C.B. 8, 2013, § 2; C.B. 38, 2013, § 1(6); C.B. 20, 2016, § 1)

Sec. 20.1108. - Adjustment of the watershed protection and restoration fee.

- (a) Any property owner may request an adjustment of the watershed protection and restoration fee by submitting a request in writing to the Administrator of the Office within 30 days after the date the bill is issued to the property owner. Grounds for adjustment of the fee are limited to the following:
 - (1) An error was made regarding the impervious surface measurement of the property;
 - (2) There is a mathematical error in calculating the fee; or
 - (3) The identification of the property owner invoiced for the fee is in error.
- (b) The application submittal requirements for an adjustment shall be on a form provided by the Office.

(C.B. 8, 2013, § 2; C.B. 3, 2015, § 1)

Sec. 20.1109. - Watershed Protection and Restoration Fee Assistance Program.

- (a) *Program Established.* There is a Watershed Protection and Restoration fee assistance program, administered by the Department of Finance, to assist property owners who qualify under the program in payment of the fee established under this subtitle.
- (b) *Residential Application and Eligibility.*
 - (1) *Application.* An application for assistance under the program shall be made to the Department of Finance on forms prescribed by it, and shall include sufficient information and documentation to allow the Department of Finance to evaluate the eligibility of the Applicant.
 - (2) *Eligibility.* An Applicant is eligible for assistance under the program if:
 - (i) The Applicant is an individual who:
 - 1. Owns residential property for which the Watershed Protection and Restoration Fee applies;
 - 2. Has an income of 250 percent or less of the poverty level, as established by the U.S. Department of Health and Human services, and adjusted for family size; and
 - 3. On July 1 of the year in which application is made, resides in the property which is subject to the Watershed Protection and Restoration Fee.
- (c) *Nonresidential Properties.*
 - (1) For nonresidential properties owned by an entity which does not qualify as a not for profit under the Internal Revenue Code, the payment of the fee is a hardship if it exceeds:
 - (i) The percentage of the property's total property tax bill that is set in the fee schedule that the County Council adopts by resolution; or
 - (ii) One thousand dollars and the owner proves hardship to the satisfaction of the Administration, based on a review of:
 - 1. A recent certified financial statement or filed tax return;
 - 2. Other information regarding the severe economic hardship that the property owner is sustaining, including but not limited to, information from lenders, lien holders, creditors, attorneys, tax collectors, or others with knowledge about the economic condition of the property owner;
 - 3. Any notice of foreclosure on the property; and

4. Any other evidence that the property owner has no other reasonable means of relieving that economic hardship.
- (2) If the fee is a hardship under:
 - (i) Paragraph (1)(i) of this subsection, the property owner shall pay an amount equal to the total property tax bill multiplied by the percentage set in the fee schedule; or
 - (ii) Paragraph (1)(ii) of this subsection, the property owner shall pay \$1,000.00, subject to a payment plan acceptable to the Administration.

(C.B. 8, 2013, § 2; C.B. 38, 2013, § 1(7))

Sec. 20.1110. - Appeals.

Except where other appeal procedures are authorized in this subtitle, any property owner aggrieved by any determination, decision, or order relating to the watershed protection and restoration fee made by the Director of the Department of Public Works, the Director of the Department of Finance, or the Administrator of the Office may appeal such determination, decision, or order to the Board of Appeals within 30 days after such determination, decision or order is made. After notice and hearing, the Board of Appeals shall review the case consistent with its duly adopted Rules of Procedures. The Board of Appeals may not waive, set aside, or change any specific provision(s) of this subtitle.

(C.B. 8, 2013, § 2; C.B. 3, 2015, § 1)

Sec. 20.1111. - Report.

- (a) Subject to section 22.1000 of the County Code, with the cooperation of the Director of the Department of Public Works and the Director of the Department of Finance, the Administrator of the Office shall submit a report to the County Council that includes:
 - (1) Any information required by subsection 4-202.1(i) of the Environment Article of the Maryland Code;
 - (2) Financial data regarding:
 - (i) The imposition, collection, and disposition of the watershed protection and restoration fee;
 - (ii) The watershed protection and restoration fund, including balances, deposits, and disbursements;
 - (iii) Program costs;
 - (3) Information about reimbursements and grants;
 - (4) The number of appeals and whether the kinds of appeals suggests that changes to law or procedures are indicated;
 - (5) Information about applications for credits and credit awards;
 - (6) Year over year tax delinquency data as well as the number of properties, if any, in tax delinquency where the amount delinquent may be related to the stormwater fee;
 - (7) Information about applications for the fee assistance program and recommendations for program improvements, with a focus in the first year on the feasibility of establishing a fee assistance program for non-residential property owners;
 - (8) Projections for the next two years to show expenses, projected fee revenue, other anticipated sources of revenue, and any adjustments to the fee; and
 - (9) Any program recommendations.

- (b) The Administrator shall submit the report annually on or before March 1 for the preceding calendar year.

(C.B. 8, 2013, § 2; C.B. 3, 2015, § 1; C.B. 20, 2016, § 1; C.B. 43, 2018, § 1)

Sec. 20.1112. - Severability.

If any portion of this subtitle is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall not affect the validity of the remaining portions of this subtitle. It is the intent of the County that this subtitle shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

(C.B. 8, 2013, § 2)

SUBTITLE 12. - CLEAN ENERGY LOAN PROGRAM

Sec. 20.1200. - Definitions.

In this subtitle, the following words have the meanings indicated:

- (a) *Clean Energy Financing Agreement* means an agreement between a property owner and a Clean Energy Lender providing for the terms and conditions of a Clean Energy Loan.
- (b) *Clean Energy Lender* means a private lender providing a Clean Energy Loan.
- (c) *Clean Energy Loan* means any loan made by a private lender to a property owner under the Clean Energy Loan Program.
- (d) *Clean Energy Loan Program Administrator* means any person or entity selected by the county to manage the Clean Energy Loan Program.
- (e) *Clean Energy Loan Obligation* means all indebtedness and obligations of a property owner to a Clean Energy Lender under a Clean Energy Financing Agreement.
- (f) *Commercial Property* has the meaning stated in the Local Government Article, section 1-1101, of the Annotated Code Of Maryland.
- (g) *Department* means the Department of Finance.
- (h) *Property Owner* means an owner of commercial property.
- (i) *Person* includes an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm, association, public or private corporation, limited liability company, nonprofit entity, or any other entity.

(C.B. 4, 2016, § 1)

Sec. 20.1201. - Program established; administration.

- (a) *Established* . There is a Clean Energy Loan Program to finance energy efficiency projects and renewable energy projects in accordance with section 1-1101, et seq., of the Local Government Article of the Annotated Code of Maryland.
- (b) *Rules and Regulations* . The Department may adopt rules and regulations to administer the Program consistent with this Subtitle.
- (c) *Program Administrator* . The County Executive may enter into an agreement with a private entity to administer the Program.

(C.B. 4, 2016, § 1)

Sec. 20.1202. - Scope and eligibility.

- (a) *Scope* . Commercial property owners are eligible to participate in the Program for nonaccelerating loans greater than \$15,000.00 for a term of up to 20 years.
- (b) *Eligibility* . In order to be eligible for a Clean Energy Loan, the property owner shall:
 - (1) Have a 100 percent ownership interest in the property located in Howard County for which improvements are proposed;
 - (2) Obtain an energy audit approved under program guidelines demonstrating that the energy savings projected to be obtained from the improvements over the life of the loan equal or exceed the principal and aggregate interest to be paid over the term of the loan;
 - (3) Demonstrate that the most recent property tax bill has been paid for the property;
 - (4) Provide a copy of written notice to all current holders of a mortgage or deed of trust who have a priority recorded lien on the property and written proof of express consent to the loan as a priority lien by all current holders of a mortgage or deed of trust on the property; and
 - (5) Establish that the property owner is able to repay the loan based on criteria and methods set forth in Ann. Code of Md., Commercial Law article, §§ 12-409.1 and 12-925 and any criteria and methods required by the Clean Energy Lender.

(C.B. 4, 2016, § 1)

Sec. 20.1203. - Qualifying improvements and costs.

- (a) *Qualifying Improvements* . The following improvements, either new or replacement, qualify as energy efficiency projects or renewable energy projects under the Clean Energy Loan Program:
 - (1) Solar energy equipment;
 - (2) Geothermal energy devices;
 - (3) Wind energy systems;
 - (4) Water conservation devices not required by law;
 - (5) Any construction, renovation, or retrofitting of commercial property to reduce energy consumption, including, high efficiency lighting and building systems, heating ventilation air conditioning (HVAC) upgrades, high efficiency boilers and furnaces, high efficiency hot water heating systems, combustion and burner upgrades, fuel switching, heat recovery and steam traps, building shell or envelope improvements, fenestration improvements, building energy management systems, and process equipment upgrades; and
 - (6) Any other improvement approved by the County as qualifying as an energy efficiency project or renewable energy project.
- (b) *Qualifying Costs* . A Clean Energy Loan may be used to pay for all costs incurred by a property owner for the following costs in connection with the qualifying improvements:
 - (1) The cost of the energy audit;
 - (2) Feasibility studies and reports;
 - (3) The design, installation, and construction of the qualifying improvements;
 - (4) Commissioning;
 - (5) Energy savings or performance guaranty or insurance; and

(6) Closing costs of the loan.

(C.B. 4, 2016, § 1)

Sec. 20.1204. - Real property tax surcharge.

- (a) *Repayment of Loans* . A property owner participating in the Clean Energy Loan program shall repay the loan through a surcharge on the owner's real property tax bill. Upon receipt of written notice from the Clean Energy Loan Program Administrator of the execution of a Clean Energy Loan Financing Agreement, the County shall, add the surcharge to the tax property bill on July 1 of the year immediately following the execution of the Agreement. The surcharge shall constitute a first lien on the property from the date it becomes payable until the unpaid surcharge and interest and penalties on the surcharge are paid in full, regardless of a change in ownership, whether voluntary or involuntary. A person that acquires property subject to a surcharge assumes the obligation to pay the surcharge.
- (b) *Calculation* . The surcharge for a Clean Energy Loan shall include the Clean Energy Loan Obligation and any administrative costs incurred by the County. The included administrative costs shall be the actual expenses incurred to administer the program.
- (c) *Agreement* . The property owner shall execute an agreement with the County and the Clean Energy Lender that will be recorded in the Land Records of Howard County, at the expense of the owner, and which shall include:
 - (1) The date the Clean Energy Loan was made to the property owner and the property became subject to the surcharge;
 - (2) The term of the Clean Energy Loan and the surcharge;
 - (3) The amount of the Clean Energy Loan Obligation and estimated county administrative costs for the first year;
 - (4) The annual principal and interest amount for each year of the term of the loan, including any partial year prorated amounts;
 - (5) The prepayment requirements and any prepayment premium that may apply, if the loan is a prepayable Clean Energy Loan;
 - (6) Agreement by the property owner to repay all Clean Energy Loan Obligations and the county's administrative costs through a surcharge included on the owner's real property tax bill due and payable on the same date as the real property tax bill;
 - (7) Acknowledgement by the property owner that an unpaid Clean Energy Loan surcharge constitutes a first lien on the property that has priority over prior or subsequent liens in favor of private parties, and that the surcharge will continue as a lien on the property from the date it becomes payable until the unpaid surcharge and interest and penalties on the surcharge are paid in full, regardless of a change in ownership of the property, whether voluntary or involuntary;
 - (8) Acknowledgement by the property owner and the lender that the County has no liability for the Clean Energy Loan Obligation or any costs associated with the collection of amounts due under the Clean Energy Financing Agreement; and
 - (9) Acknowledgement by the property owner that an overdue surcharge shall be collected pursuant to Ann. Code of Md., Tax-Property article, title 14, subtitle 8 and section 20.140 of this Code.
- (d) *Default* . If a property owner defaults on the Clean Energy Loan Surcharge, the lien will be collected pursuant to Ann. Code of Md., Tax-Property article, title 14, subtitle 8 and section 20.140 of this Code, irrespective of whether property taxes (or any other taxes, charges or assessments) are due and owing.

- (e) *Credit of Payments.* Payments received from a property owner shall be credited first to all County taxes, assessments, and charges.
- (f) *County to Forward Surcharges Collected .* The County shall forward the surcharges to the Clean Energy Lenders or the Program Administrator within 30 days of receipt.
- (g) *County Liability.* Except for the obligation to forward surcharges under subsection (f) of this section, the County does not incur any liability by participating in the Clean Energy Loan Program and the County shall not incur any liability to the Clean Energy Lender or others in the event of default.

(C.B. 4, 2016, § 1)

Sec. 20.1205. - Financing.

- (a) *Private Lenders; Terms.* Any private lender may provide a Clean Energy Loan, and the Clean Energy Financing agreement that evidences the loan may include any terms and conditions permitted by law.
- (b) *County Role.* The County's role in the Clean Energy Loan Program is limited to sponsoring the Program and collecting and forwarding the surcharges imposed under the Program. The County may not provide Clean Energy Loans or other financing in connection with the Program.

(C.B. 4, 2016, § 1)

TITLE 21 - TRAFFIC CONTROL AND TRANSPORTATION⁽¹⁾

Footnotes:

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Editor's note— C.B. 9, 1997, enacted March 3, 1997, and as amended by C.B. 32, 1997, enacted May 5, 1997, amended tit. 21 in its entirety. Formerly, tit. 21 pertained to similar subject matter. For a detailed history of the provisions of former tit. 21, see the Code Comparative Table.

State Law reference— Traffic generally, Ann. Code of Md. Transportation article, § 11-101 et seq.; powers of local authorities, Ann. Code of Md. Transportation article, § 25-101 et seq.

SUBTITLE 1. - DEFINITIONS; GENERAL PROVISIONS

Sec. 21.101. - Definitions.

- (a) *In General.* Except as provided in subtitle 6 of this title, in this title, the following terms have the meanings indicated:
- (b) *Alley* means a highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through traffic.
- (c) *Bus* means:
 - (1) A motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; or
 - (2) Any other motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.
- (d) *Bus stand* means a space or area adjacent to a curb or the side of a roadway for the exclusive use of a bus to pick up or discharge passengers.

- (e) *Business district* means the area contiguous to and including a highway when 50 percent or more of the frontage on the highway, for a distance of 300 feet or more, is occupied by buildings in use for business.
- (f) *Chief of Police* means the Chief of the Howard County Department of Police, or the Chief's designee.
- (g) *Commercial motor vehicle* means:
 - (1) A motor vehicle registered with the motor vehicle administration under one of the following classes:
 - (i) Class C (funeral and ambulance) vehicles;
 - (ii) Class E (truck) vehicles as follows:
 - a. Truck-trailer combinations;
 - b. Dump service registrations;
 - c. Tow trucks; or
 - d. Vehicles that display permanently affixed commercial advertising or MHIC license number on the exterior body;
 - (iii) Class F (tractor) vehicles;
 - (iv) Class G (trailer) vehicles;
 - (v) Class H (school) vehicles; or
 - (vi) Class P (passenger bus) vehicles; or
 - (2) Any motor vehicle used in the furtherance of any commercial purpose for the carrying of material, which includes but is not limited to freight, merchandise, supplies, equipment, or debris.
- (h) *Commercial private property* means:
 - (1) Property not owned by the State or County Government, that is a shopping center, business location, public or private school, or other property on which a commercial activity takes place.
 - (2) Does not include property used exclusively as a private dwelling.
 - (3) Includes common parking areas of apartment, condominium, and townhome developments.
- (i) *County Council* means the County Council of Howard County.
- (j) *Crosswalk* means:
 - (1) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface; or
 - (2) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections.
- (k) *Curb marking* means a conspicuous marking applied to a curb, side or edge of a roadway.
- (l) *Director of Finance* means the Director of the Howard County Department of Finance or the Director's designee.
- (m) *Director of Fire and Rescue Services* means the Director of the Howard County Department of Fire and Rescue Services or the Director's designee.
- (n) *Director of Public Works* means the Director of the Howard County Department of Public Works or the Director's designee.

- (o) *Driver or operator* means an individual who drives or is in actual physical control of a vehicle, including an individual who is exercising control over, or steering a vehicle being towed by a motor vehicle.
- (p) *Fire lane* means part of a highway, road, curb, or fire department access road that is designated by the Department of Fire and Rescue Services as required for access by emergency vehicles and that is marked with approved signs or other approved notices in accordance with the Howard County Fire Prevention Code.
- (q) *Foreign vehicle* means a vehicle that:
 - (1) Is of a type required to be registered under title 13 of the transportation article of the Annotated Code of Maryland;
 - (2) Is brought into this State from another State, territory or country, other than in the ordinary course of business by or through a manufacturer or dealer; and
 - (3) Is not registered in this State.
- (r) *Freight curb loading zone* means an area for the exclusive use of vehicles during loading or unloading of freight.
- (s) *Gross weight* means the weight of a vehicle and its load.
- (t) *Hazardous or congested parking area* means an area designated by the Department of Public Works and marked by curb markings or signs, in which the stopping, standing or parking of a vehicle would:
 - (1) Endanger those using the highway; or
 - (2) Interfere with the free movement of traffic on the highway.
- (u) *Highway* means the entire width between the boundary lines of every way or thoroughfare of which any part is used by the public for purposes of vehicular travel, whether or not dedicated to the public and accepted by County authorities.
- (v) *Intersection* means:
 - (1) (i) The area within the prolongation or connection of the lateral curblines or, if none, the lateral boundary lines of the roadways of two highways that join at, or approximately at, right angles; or
 - (ii) The area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
 - (2) If a divided highway includes two roadways that are 30 feet or more apart, every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection. If the intersecting highway also includes two roadways that are 30 feet or more apart, every crossing of two roadways of such highways is a separate intersection.
- (w) *Loading zone* means an area adjacent to a curb specifically designed for the purpose of loading and unloading of passengers or merchandise.
- (x) *Motor vehicle* means a vehicle which is self-propelled or propelled by electric power, but not operated upon rails.
- (y) *Motor Vehicle Administration* means the Motor Vehicle Administration of the Maryland Department of Transportation.
- (z) *Owner* means a person having the property interest in or title to a vehicle, including a person entitled to the use and possession of a vehicle subject to a security interest in another person.
- (aa) *Park* means to halt a vehicle, whether occupied or not, other than temporarily:
 - (1) When accessory to avoid conflict with other traffic or in compliance with the directions of a Police Officer or a traffic control device; or

- (2) For the purpose of and while actually engaged in loading or unloading of property or passengers.
- (ab) *Parking meter* means a device located on a public street, sidewalk, or parking area, which provides time periods for which parking privileges may be granted for a fee.
- (ac) *Passenger curb loading zone* means an area used exclusively by an authorized vehicle for the purpose of loading or unloading passengers.
- (ad) *Person* includes an individual, firm, partnership, association, limited liability company, or corporation.
- (ae) *Police Department* means the Howard County Department of Police.
- (af) *Private property* means property not owned or controlled by Federal, State, or County Government.
- (ag) *Property owner* means the owner, tenant, or agent in control of private property.
- (ah) *Railroad sign or signal* means a sign, signal or device erected by authority of a public body or official or by a railroad, and intended to give notice of the presence of railroad tracks or the approach of a railroad train.
- (ai) *Roadway* means:
 - (1) The portion of a highway improved, designed, or ordinarily used by vehicles for travel, exclusive of the berm or shoulder.
 - (2) If a highway includes two or more separate roadways, *roadway* , means any one roadway separately, but not to all of the roadways collectively.
- (aj) *Safety zone* means an area in a roadway that is officially set apart for the exclusive use of pedestrians, and which is protected or is so marked or indicated by signs.
- (ak) *Sidewalk* means the part of a highway intended for use by pedestrians, which is between the curblines or the lateral boundary lines of a roadway and the adjacent property lines.
- (al) *Stand* means to halt a vehicle, whether occupied or not, other than temporarily:
 - (1) When necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or a traffic control device; or
 - (2) For the purpose of and while actually engaged in receiving or discharging passengers.
- (am) *State* means the State of Maryland.
- (an) *Stop* means:
 - (1) Where used in the mandatory sense, the complete cessation from movement; and
 - (2) Where used in a prohibitory sense to halt, even momentarily a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control device.
- (ao) *Taxicab* means a motor vehicle for hire, designed to carry seven persons or less, including driver, operated upon any public street or highway in this County, or on call or demand, accepting or soliciting passengers, indiscriminately for transportation for hire between such points along public streets or highways in this County as may be directed by the passenger or passengers so being transported; provided that, nothing in this section shall be construed to include as a taxicab a motor vehicle operated with the approval of the Maryland Public Service Commission on fixed routes and schedules.
- (ap) *Taxicab stand* means an area for the exclusive use of taxicabs licensed and regulated by the Department of Public Works.
- (aq) *Traffic* means pedestrians, vehicles, and other conveyances, either singly or together, while using any highway for travel.

- (ar) *Traffic control device* means a sign, signal, marking, or device that:
 - (1) Is not inconsistent with the Maryland Vehicle Law; and
 - (2) Is placed by authority of authorized public body or official to regulate, warn, or guide traffic.
- (as) *Traffic control signal* means a traffic control device, whether manually, electrically or mechanically operated, by which traffic alternately is directed to stop and permitted to proceed.
- (at) *Truck* means a motor vehicle designed, used or maintained primarily for the transportation of property.
- (au) *Urban district* means the area contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter mile or more.
- (av) *Vehicle* means a device in, on, or by which an individual or property is or may be transported or drawn upon a highway.

(C.B. 9, 1997; C.B. 13, 2011, § 1; C.B. 8, 2016, § 1)

State Law reference— Definitions, Ann. Code of Md. Tax-Property article, § 11-101 et seq.

Sec. 21.102. - Applicability.

Except as otherwise provided in this title or in the Maryland Vehicle Law, the provisions of this title apply to all drivers in Howard County and to all vehicles owned or operated in the County.

(C.B. 9, 1997)

Sec. 21.103. - Presumption of validity of traffic control devices.

- (a) *Presumed to Be Official Act*. Unless the contrary is established by competent evidence, if a traffic control device is placed in a manner that substantially conforms to the requirements of this title, the device is presumed to have been placed by the official act or direction of lawful authority.
- (b) *Presumed to Meet Legal Requirements*. Unless the contrary is established by competent evidence, if a traffic control device is placed in accordance with the provisions of this title and purports to meet the lawful requirements governing the device, the device is presumed to comply with the requirements of this title.

(C.B. 9, 1997)

Sec. 21.104. - Severability.

If a court determines that any word, phrase, clause, item, sentence or section of this title or any rule, order or regulation passed by the County Council pursuant hereto, or the application thereof to any person or circumstance, is held invalid, the remaining provisions and the application of such provisions to other persons or circumstances is not affected thereby.

(C.B. 9, 1997)

Sec. 21.105. - Emergency regulations.

The Chief of Police and the Director of Public Works, and the Director of Fire and Rescue Services, acting separately or in concert, may adopt regulations necessary to make effective the provisions of the traffic acts of this County and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. A temporary or experimental regulation shall remain in effect for no more than 90 days.

(C.B. 19, 1975; C.B. 9, 1997)

Sec. 21.106. - Police Department to enforce title.

The Police Department shall enforce the provisions of this title and the Maryland Vehicle Law.

(C.B. 9, 1997)

SUBTITLE 2. - STANDING, STOPPING, AND PARKING OF VEHICLES; AUTOMATED ENFORCEMENT¹²¹

Footnotes:

--- (2) ---

State Law reference— Stopping, standing and parking, Ann. Code of Md. Transportation article, § 10-101 et seq.; general authority relative to parking, Ann. Code of Md. Transportation article, § 25-102(a)(1).

PART I. - PARKING ZONES AND ENFORCEMENT; AUTOMATED ENFORCEMENT

Sec. 21.200. - Parking enforcement.

- (a) *Parking Enforcement Officers.* The County Executive may designate parking enforcement officers to have concurrent jurisdiction with the Police Department in enforcing the provisions of this subtitle.
- (b) *Issuance of Citations.* When a Police Officer or parking enforcement officer finds that a vehicle is parked in violation of this title, the officer may issue a citation and shall deliver a citation to the operator of the vehicle.
- (c) *Unattended Vehicle.* If the vehicle is unattended, the officer shall place the citation on the vehicle in a secure and conspicuous location.
- (d) *Certification on Citation.* The citation shall bear the certification of the officer, under penalty of perjury, attesting to the truth of the facts set forth therein.
- (e) *Copies of Citation.* A copy of the citation shall be retained by the officer and the remaining copies shall be forwarded to the Department of Finance.
- (f) *Owner Presumed to Be Recipient.* In the absence of the operator, the registered owner of the vehicle is presumed to be the person receiving the citation.

(C.B. 9, 1997)

Sec. 21.201. - Collection of fines; procedures; authority of Director of Finance.

The Director of Finance may:

- (1) Establish procedures necessary to collect the fines and penalties imposed under this title;
- (2) Refund or waive towing charges or storage costs that have been improperly assessed; and

- (3) At the request of the issuing officer or agency, and as otherwise permitted by law, declare invalid and void any violation notice for stopping, standing, or parking violations. In all cases where the Director of Finance voids a citation, the reasons for the voiding shall be fully documented.

(C.B. 9, 1997)

Sec. 21.202. - Fines; intention to stand trial.

- (a) *Council to Set Fines.* The County Council shall adopt by resolution a schedule of fines for violations of the parking laws under this subtitle. These fines shall be in addition to the costs payable to a political subdivision under section 7-301 of the Courts and Judicial Proceedings article of the Annotated Code of Maryland.
- (b) *Fines; Control of Citations.* Fines imposed under this subtitle shall be payable to the Director of Finance. The Director of Finance shall control the issuance of prenumbered violation notice forms to the Police Department and to designated parking enforcement officers and shall record the final disposition of each violation notice.
- (c) *Procedures for Election to Stand Trial:*
 - (1) If a recipient of a citation desires to stand trial for an offense, the recipient may elect to do so by notifying the Director of Finance of the intention to stand trial, at least five days prior to the payment date set forth in the citation.
 - (2) Upon receipt of notification that a recipient of a violation notice intends to stand trial for the offense, the Director of Finance shall forward to the district court a copy of the violation notice and a copy of the notice from the recipient indicating the intention to stand trial.
 - (3) At the time the notice of intention to stand trial is given, the recipient shall notify the Director of Finance that the recipient requests the presence, at the trial, of the officer who issued the citation. If the presence of the officer at the trial is not requested, the officer need not appear, and the copy of the citation bearing the certification of the officer shall be prima facie evidence of the matters set forth therein.

(C.B. 9, 1997)

Sec. 21.203. - Administrative handling fee; failure to comply with violation notice.

- (a) *Failure to Pay Fine.* If a person receiving a violation notice for a violation under this subtitle or under section 21-202.1 of the transportation article of the Annotated Code of Maryland fails to pay the appropriate fine for the violation by the date of payment set forth on the violation notice, and fails to file a notice of intention to stand trial for the offense, the Director of Finance or the Automated Enforcement Division shall send a written notice of the violation to the owner's last known address. If within 15 days from the date of notice the violation has not been satisfied, the offender shall pay a penalty as established by resolution of the County Council.
- (b) *Administrative Handling Fee.* If the Motor Vehicle Administration is notified, under section 21.205 of this subtitle, of a failure to pay a fine or to file a notice of intention to stand trial, a penalty as established by resolution of the County Council shall be imposed.

(C.B. 9, 1997; C.B. 40, 2000, § 1, 7-27-00)

Sec. 21.204. - Appeal.

Any person who elects to stand trial under this subtitle may appeal from the judgment of the district court as provided in the Maryland rules.

(C.B. 9, 1997)

Sec. 21.205. - Effect of parking or automated enforcement violation on vehicle registration.

- (a) *Notice to Motor Vehicle Administration.* The Director of Finance or the Automated Enforcement Division shall notify the Motor Vehicle Administration if a person who receives a citation for a violation under this title or under section 21-202.1 of the transportation article of the Annotated Code of Maryland, respectively:
- (1) Fails to pay the fine for the violation by the date specified in the citation; or
 - (2) Fails to file a notice of intention to stand trial for the violation.
- (b) *Effect of Notice.* If the Director of Finance or the Automated Enforcement Division notifies the Motor Vehicle Administration of a failure under subsection (a) of this section, the provisions of section 26-305 of the transportation article of the Annotated Code of Maryland apply, and the Motor Vehicle Administration will not register or transfer the registration of the vehicle involved in the violation, except in accordance with that section.

(C.B. 9, 1997; C.B. 40, 2000, § 1, 7-27-00)

Sec. 21.206. - Parking meters; installation, zones, and spaces.

- (a) *Parking Meter Zones.* The Department of Public Works may establish a parking meter zone on any highway or parking facility under the County's jurisdiction.
- (b) *Parking Meters.* In a parking meter zone established under this section the Department of Public Works shall:
- (1) Install parking meters; and
 - (2) Adequately inform the public concerning:
 - (i) The designation of parking spaces to the appropriate parking meter;
 - (ii) The days and hours when payment is required;
 - (iii) The cost to park for each interval of time;
 - (iv) Acceptable methods of payment; and
 - (v) The length of time for which parking is lawfully permitted.

(C.B. 93, 1995; C.B. 9, 1997)

Sec. 21.207. - Parking restrictions.

- (a) *Department of Public Works.* Except as provided in section 21.105 of this title, on property that is under the County's jurisdiction, the Department of Public Works may:
- (1) Prohibit or establish a time limit on parking on any highway; and
 - (2) Designate each parking space where a plug-in vehicle may be recharged.
- (b) *Signs.* The Department of Public Works shall place and maintain appropriate signs indicating a parking restriction under subsection (a) of this section.

(c) *Plug-in Vehicle Recharging Stations.*

- (1) In this section, plug-in vehicle means a vehicle that:
 - (i) Is made by a vehicle manufacturer;
 - (ii) Is manufactured primarily for use on a public street, road, and highway;
 - (iii) Has a rated unloaded gross vehicle weight of no more than 8,500 pounds;
 - (iv) Has a maximum speed capability of at least 55 miles per hour; and
 - (v) Is propelled to a significant extent by an electric motor that draws electricity from a battery that:
 - (A) For a four-wheeled vehicle, has a capacity of at least four kilowatt-hours;
 - (B) For a two-wheeled or three-wheeled vehicle, has a capacity of at least 2.5 kilowatt-hours; and
 - (C) Can be recharged from an external source of electricity.
 - (2) Plug-in vehicle includes a qualifying vehicle that has been modified from the original manufacturer's specifications.
 - (3) Except as provide in paragraph (4) of this subsection, a person may not stop, stand, or park a vehicle in a space that is posted for the exclusive use of plug-in vehicles:
 - (i) Under subsection (b) of this section for County property; or
 - (ii) By the property owner for private property.
 - (4) A plug-in vehicle may be parked in a space that is posted for the use of plug-in vehicles.
 - (5) A sign that designates a space under this subsection must meet be at least 12 inches by 18 inches and meet any applicable State or Federal standards for parking control signs.
- (d) (1) The Police Department may enforce this section on public property or private property.
- (2) The Police Department may impound a vehicle that is parked in violation of this section.

(C.B. 93, 1995; C.B. 9, 1997; C.B. 36, 2014, § 1; C.B. 7, 2016, § 1)

Sec. 21.208. - Curb loading zones and permits.

- (a) *Zones Established.* The Department of Public Works may establish passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.
- (b) *Loading Zone Permits:*
 - (1) A person may apply to the Department of Public Works for a permit to establish a loading zone and to install signs to indicate the border of the zone.
 - (2) The Applicant shall pay an annual service fee plus the cost of installation of the signs, as established by resolution of the County Council. The Department of Public Works may impose conditions upon the use of the signs, and for reimbursement for the value thereof in the event of their loss or damage, and their return in the event of misuse or upon expiration of the permit.
 - (3) A permit under this section expires at the end of one year.

(C.B. 19, 1975; C.B. 9, 1997)

Sec. 21.209. - Public carrier stops and stands.

- (a) *Stops and Stands Established.* The Department of Public Works may establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles so as to be of greatest benefit and convenience to the public.
- (b) *Signs.* The Department of Public Works shall post and maintain appropriate signs designating a bus stop, bus stand, taxicab stand or other stand.

(C.B. 19, 1975; C.B. 9, 1997)

Sec. 21.210. - Permits for loading or unloading; angle parking.

The Department of Public Works may issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. A permit under this section may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to the person the privilege as therein Stated and authorized herein.

(C.B. 19, 1975; C.B. 9, 1997)

Sec. 21.211. - Individuals with disabilities.

- (a) *Parking in General.* An individual with a disability to whom a special plate or parking permit for individuals with disabilities has been issued under the Maryland Vehicle Law:
 - (1) May park in the areas designated with the wheelchair emblem or established for individuals with disabilities;
 - (2) May park for unlimited periods in parking zones restricted as to the length of parking time permitted; and
 - (3) Is not required to pay parking meter fees established by the County.
- (b) *Exceptions.* The provisions of this section do not apply to zones where stopping, standing, or parking is prohibited to all vehicles or which are reserved for special types of vehicles, nor does this privilege apply where there is an ordinance prohibiting parking during heavy traffic periods during morning, afternoon or evening rush hours, or where parking would clearly present a traffic hazard.

(C.B. 9, 1997)

Sec. 21.212. - Stopping, standing or parking in spaces designated for individuals with disabilities.

- (a) *In General.* Except as provided in subsection (b) of this section, no limitations on parking, stopping, or standing may be placed on parking spaces reserved for individuals with disabilities.
- (b) *Prohibited Parking:*
 - (1) An individual may not stop, stand or park a vehicle in a space designated for individuals with disabilities unless the vehicle displays a valid:
 - (i) Special registration plate; or
 - (ii) Parking permit for individuals with disabilities.
 - (2) An individual may not park a vehicle so as to occupy the same space or any portion of a space where the space is already occupied by a vehicle displaying a special registration plate or parking permit for individuals with disabilities.
 - (3) An individual who operates a motor vehicle displaying a parking permit for a person with a disability may not use the privileges under section 21.211 of this subtitle, unless the person is:

- (i) A person with a disability who meets the requirements under the Maryland Vehicle law; or
 - (ii) Accompanied by a dependent, or a person who depends on the individual for transportation, who meets the requirements under the Maryland Vehicle Law.
- (c) *Signs.* Signs designating spaces reserved for individuals with disabilities shall prominently display the amount of the fine for a violation of this section.
- (d) *Vehicles Impounded.* The Police Department may impound a vehicle parked in violation of this section.

(C.B. 9, 1997)

Sec. 21.213. - Penalties.

- (a) *Criminal Penalties.* An individual who violates a provision of this subtitle, except section 21.407, is guilty of a misdemeanor, and on conviction is subject to a fine not to exceed \$100.00.
- (b) *Civil Penalties.* Alternatively or in addition to and concurrent with all other remedies, the Police Department may enforce the provisions of this subtitle, except section 21.407, with civil penalties under title 24, "civil penalties," of the Howard County Code. A violation shall be a Class D offense.

(C.B. 9, 1997)

Sec. 21.214. - Unsatisfied parking violation notices—Impoundment.

- (a) *In General.*
- (1) This section applies to a commercial motor vehicle parked on a public street in Howard County, if the street is in or adjacent to a residential area or property zoned for residential use, that is:
 - (i) Parked illegally and against which there is one or more unsatisfied parking violations; or
 - (ii) Parked legally and against which there are two or more unsatisfied parking violations.
 - (2) The department of police may impound the vehicle in accordance with the procedures specified in section 21.250 of this subtitle if:
 - (i) 1. For a vehicle with one unsatisfied parking violation, at least 90 days has elapsed since the unsatisfied parking violation was issued; or
 - 2. Otherwise, at least 30 days has elapsed since the most recent unsatisfied parking violation was issued and at least 90 days has elapsed since any other unsatisfied parking violation was issued; and
 - (ii) The Department of Finance has flagged the vehicle for impoundment.
- (b) *Release of Impounded Vehicle.*
- (1) The Department of Finance shall issue an impounded vehicle release to the owner if the owner satisfies the outstanding parking violations and any associated penalties or fees.
 - (2) If the owner demonstrates to the satisfaction of the Department of Finance that the vehicle should not have been impounded, the Department of Finance shall give the owner:
 - (i) An impounded vehicle release; and
 - (ii) A waiver for the costs of towing and storage.
 - (3) The owner of the impounded motor vehicle may repossess the vehicle by:
 - (i) Presenting the impounded vehicle release to the custodian of the motor vehicle; and

- (ii) Paying the custodian the costs of towing and storage or presenting a waiver from the Department of Finance for the costs.

(C.B. 51, 2011, § 1)

Secs. 21.215—21.219. - Reserved.

PART II. - IN GENERAL

Sec. 21.220. - General prohibitions; applicability to disabled vehicles.

- (a) *In General.* Except as otherwise provided in this section, on any highway outside of a business district or residential district, an individual may not stop, park or leave standing on the roadway any vehicle, whether attended or unattended, when it is practicable to stop, park or so leave the vehicle off the roadway.
- (b) *Leaving Standing Vehicles.* Except as otherwise provided in this section, on any highway outside of a business district or residential district, an individual may not leave a vehicle standing without providing an unobstructed width of the roadway opposite the standing vehicle for the passage of other vehicles.
- (c) *Prohibited Stops.* Except as otherwise provided in this section, on any highway outside of a business district or residential district, an individual may not stop a vehicle unless it can be seen clearly from 200 feet away in each direction on the roadway.
- (d) *Disabled Vehicles.* This section does not apply to the driver of any vehicle that has become unintentionally disabled while on a highway in a manner and to an extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle in that position.

(C.B. 19, 1975; C.B. 9, 1997)

Sec. 21.221. - Stopping, standing or parking prohibited in specified places.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or directions of a Police Officer or traffic control device, an individual may not stop, stand, or park a vehicle:
 - (1) In front of or within five feet of a public driveway, or within a private driveway, without the consent of the owner or occupant of the premises;
 - (2) Within an intersection;
 - (3) Within a tee or modified tee turnaround;
 - (4) On a sidewalk or pathway;
 - (5) On a pedestrian or school crosswalk;
 - (6) Between a safety zone and the adjacent curb;
 - (7) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
 - (8) Upon any bridge (or other elevated structure);
 - (9) Within a highway tunnel;
 - (10) On any ramp entering onto or exiting from any highway;
 - (11) On any property of the Howard County Board of Education where an official sign or curb markings prohibit or restrict such parking;

- (12) At any place where an official sign or curb markings prohibit stopping, standing or parking;
 - (13) Within 30 feet to the approach to any official regulatory signal, sign or traffic-control device located on the side of the roadway, with the exception of parking signs;
 - (14) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (15) On the traveled portion of any roadway;
 - (16) Within 100 feet to the approach of an intersecting street, highway or commercial private property driveway, except in any residentially zoned district;
 - (17) In any hazardous or congested parking area posted as a no-parking, tow-away zone;
 - (18) Adjacent to the center island of a cul-de-sac; or
 - (19) Except as specifically authorized by section 21.207 of this subtitle, in a space posted for a plug-in vehicle.
- (b) The Police Department may impound a vehicle for a violation of subsection (a)(1), (2), (3), (4), (5), (7), (8), (9), (10), (14), (15), (17), or (19) of this section.

(C.B. 9, 1997; C.B. 36, 2014, § 2)

State Law reference— Similar provisions, Ann. Code of Md. Transportation article, § 21-1003.

Sec. 21.222. - Parking prohibited in specified places.

- (a) Except when necessary to avoid conflict with other traffic or in compliance with law or directions of a Police Officer or traffic control device, an individual may not park a vehicle in the following locations:
- (1) Within 15 feet of a fire hydrant;
 - (2) Within 20 feet of a crosswalk;
 - (3) Within 20 feet of the driveway entrance or exit to any fire station;
 - (4) Within 75 feet on the side of a street opposite the driveway entrance or exit to a fire station, when signs or red curb markings are present;
 - (5) On a curve or the brow of a hill where solid lines indicating a no-passing zone appear on the surface of the road;
 - (6) Within 50 feet of the nearest rail of a railroad crossing;
 - (7) Outside of any lines painted on a roadway or public parking area designating a parking space;
or
 - (8) On a highway or public parking area for more than 18 consecutive hours in a nonoperable, unregistered, untagged or disabled condition.
- (b) The Police Department may impound a vehicle for a violation of subsection (a)(8) of this section.

(C.B. 9, 1997; C.B. 8, 2016, § 1)

State Law reference— Similar provisions, Ann. Code of Md. Transportation article, § 21-1003.

Sec. 21.223. - Unattended motor vehicle.

The operator of a motor vehicle may not leave the vehicle unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

(C.B. 9, 1997)

Sec. 21.224. - Wheels parallel to curb.

Except as otherwise provided in this subtitle, the operator of a vehicle stopped or parked upon a two-way roadway shall stop or park the vehicle with the right-hand wheels parallel to and within 12 inches of the right hand curb or edge of the roadway.

(C.B. 9, 1997)

State Law reference— Similar provisions, Ann. Code of Md. Transportation article, § 21-1004.

Sec. 21.225. - Parking on one-way highway.

Except as otherwise regulated by the Department of Public Works under the provisions of this title, the operator of a vehicle stopped or parked upon a one-way roadway shall stop or park the vehicle parallel to the curb or edge of the roadway in the direction of authorized traffic movement, with:

- (1) The vehicle's right-hand wheels within 12 inches of the right-hand curb or edge of the roadway;
or
- (2) The vehicle's left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.

(C.B. 9, 1997)

Sec. 21.226. - Curb loading zone.

- (a) *Standing in Passenger or Curb Loading Zone.* An individual may not stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed 30 minutes.
- (b) *Standing in Freight Curb Loading Zone.* An individual may not stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed 30 minutes.

(C.B. 9, 1997)

Sec. 21.227. - Stopping, standing or parking of buses.

- (a) The operator of a bus may not stand or park the bus on a highway at any place other than a bus stand so designated as provided herein.
- (b) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a highway in such a manner that the bus, when stopped to load or unload passengers or baggage, shall be in a position with the right front wheel of the bus not farther than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(C.B. 9, 1997)

Sec. 21.228. - Stopping, standing or parking of taxicabs.

The operator of a taxicab may not stop, stand or park the taxicab on a highway at any place other than in a taxicab stand so designated as provided herein. This section does not prohibit the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purposes of and while actually engaged in the expeditious loading and unloading of passengers.

(C.B. 9, 1997)

Sec. 21.229. - Restricted use of bus and taxicab stands by unauthorized vehicles.

- (a) An individual may not stop, stand, or park a vehicle, other than a bus, in a bus stop, or other than a taxicab in a taxicab stand, when stopping or standing is prohibited, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading and unloading passengers, when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.
- (b) The Police Department may, when posted, impound a parked vehicle other than a bus or taxicab for violation of subsection (a) of this section.

(C.B. 9, 1997)

Sec. 21.230. - Parking time limited on certain streets.

If parking is restricted under section 21.207 of this subtitle, an individual may not park a vehicle on the highway for a longer period of time than is posted.

(C.B. 9, 1997; C.B. 17, 2003, § 5)

Sec. 21.231. - Stopping, standing or parking in special parking spaces.

- (a) *Reserved Parking Spaces.* No parking, stopping, or standing limitations may be placed upon those spaces reserved for circuit court judges, district court judges and County Officials.
- (b) *Impoundment of Unauthorized Vehicles.* When posted, the Police Department may impound an unauthorized vehicle parked in a space reserved under subsection (a) of this section.

(C.B. 9, 1997)

Sec. 21.232. - Parking commercial motor vehicles in residential areas.

- (a) *Parking Prohibited.* An individual may not park a commercial motor vehicle for more than six continuous hours on any highway in the residential areas of Howard County.
- (b) *Exceptions.* This section shall not apply to:
 - (1) Any motor vehicle which is designated by the motor vehicle administration as an emergency vehicle;
 - (2) Any motor vehicle owned by a public utility, or any other motor vehicle visibly identified as being under contract to a public utility; or

- (3) Any motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreation and travel use.

(C.B. 9, 1997)

Sec. 21.233. - Parking in alleys or narrow streets.

An individual may not:

- (1) Park a vehicle within an alley so as to leave available less than 18 feet of the width of the roadway for the free movement of traffic; or
- (2) Stop, stand, or park a vehicle within an alley in a manner that blocks the driveway entrance to any adjacent property.

(C.B. 9, 1997)

Sec. 21.234. - Parking on commercial private property.

An individual may not stop, stand, or park a vehicle on any commercial private property after the property owner requests, by word or sign, the individual to remove the vehicle from the property or area of property; provided that any signs erected are consistent with the provisions of this title.

(C.B. 9, 1997)

Sec. 21.235. - Fire lanes.

- (a) *Creation of Fire Lanes* : In accordance with the Howard County Fire Prevention Code, the Department of Fire and Rescue Services shall determine whether a fire lane should be designated and shall create fire lanes consistent with standards included in the Code.
- (b) *Notice* . The Department of Fire and Rescue Services shall notify a property owner before designating the area established as a fire lane.
- (c) *Installation of Fire Lane Markings* . The property owner shall install fire lane markings or signs within 20 days of receipt of the notification under subsection (b) of this section.
- (d) *Penalties for Failure to Comply* . A property owner who fails to comply with the requirements of this section is subject to penalties as set forth in the Howard County Fire Prevention Code.
- (e) *Parking in Fire Lane Prohibited* . An individual may not stop, stand, or park a vehicle in a fire lane.
- (f) *Vehicle in Fire Lane Impounded* . The Police Department may impound a vehicle that is in violation of this section.

(C.B. 9, 1997; C.B. 8, 2016, § 1)

Sec. 21.236. - Parking meter violations; expired time.

- (a) *In General*. An individual may not park a vehicle in a designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which the meter is located so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating the space, except that a vehicle which is of a size too large to be parked within a single designated parking meter zone may occupy two adjoining spaces if the individual pays for each space so occupied as required in this title.

(b) *Payment and Time Limits:*

- (1) An individual may not park a vehicle in a parking meter zone during the restricted and regulated time applicable to the parking meter zone unless the applicable meter has been placed in operation and payment, as provided under this title, is made.
- (2) An individual may not permit a vehicle under the individual's control to be parked in a parking meter space during the restricted and regulated time applicable to the parking meter for the space, when the lawful parking time in the space has expired. This provision does not apply to the act of parking or the time required to make the appropriate payment.
- (3) This section does not relieve any person from the duty to observe other and more restrictive provisions of this title or the Maryland Vehicle Law prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

(c) *Parking Zones and Time Limits.* Parking meter zones are hereby established within the County or on the highways or parking facilities where regulated by parking meters between the hours and on the days specified.

(C.B. 9, 1997)

Sec. 21.237. - Angle parking.

- (a) *When Required.* On a highway that has been signed or marked by the Department of Public Works for angle parking, a person shall park or stand a vehicle at the angle to the curb or edge of the roadway indicated by such signs or markings.
- (b) *Violation of Permit for Angle Parking.* A permittee or other person shall comply with the terms or conditions of a permit issued under this section.

(C.B. 9, 1997)

Sec. 21.238. - Parking detached trailers and semitrailers on highway or County property.

- (a) An individual may not park a trailer or semitrailer that is detached from a motor vehicle on highway.
- (b) The Police Department may impound a trailer or semitrailer parked in violation of this section.

(C.B. 9, 1997)

Secs. 21.239—21.249. - Reserved.

PART III. - IMPOUNDMENT OF VEHICLES

Sec. 21.250. - Impoundment of vehicles.

- (a) *Impoundment Authorized.* When authorized under this subtitle or the Maryland Vehicle Law, the Police Department may remove a vehicle from a highway to an approved garage or to a site designated or maintained by the County.
- (b) *Notice to Known Owners.* When the Police Department impounds a vehicle as authorized in this subtitle and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, the officer shall, as soon as practicable, notify the owner that the vehicle has been impounded, the reasons for the impoundment, and the location of the vehicle. If the vehicle is stored in a public garage, a copy of the notice shall be given to the proprietor of the garage.

- (c) *When Owner is Not Known.* If the Police Department impounds a vehicle under this subtitle and does not know and is not able to ascertain the name of the owner, the Department shall give notice to the proprietor of any public garage in which the vehicle is stored. The notice shall include the date, time and place from which the vehicle was removed, the reason for the removal, and name of the garage or place where the vehicle is stored.
- (d) *Towing and Storage Costs.* Towing and storage costs shall be paid by the owner of the vehicle impounded.
- (e) *Election of Towing Service.* If the individual who parked a vehicle is present at the time the vehicle is proposed to be impounded, the individual may elect to secure a private towing service. This provision does not apply to foreign vehicles impounded for failure to comply with parking violation notices if the vehicle is being held for security on the outstanding citations.

(C.B. 9, 1997)

Sec. 21.251. - Establishment of rules and regulations.

The Chief of Police may establish rules and procedures as may be required to direct and regulate towing services under Police Department direction.

(C.B. 19, 1975; C.B. 9, 1997)

SUBTITLE 3. - TRAFFIC

Sec. 21.300. - Duties of the Department of Public Works.

The Department of Public Works shall:

- (1) Determine the installation and proper timing and maintenance of traffic control devices;
- (2) Conduct engineering analyses of traffic accidents to devise remedial measures;
- (3) Conduct engineering investigations of traffic conditions;
- (4) Plan the operation of traffic on the highways of this County;
- (5) Cooperate with other County Officials in the development of ways and means to improve traffic conditions; and
- (6) Carry out the additional powers and duties imposed by law.

(C.B. 9, 1997)

Sec. 21.301. - Police Department and Department of Fire and Rescue Services to direct traffic; traffic section.

- (a) *Police Department.* Personnel of the Police Department may direct traffic by voice, hand, or signal.
- (b) *Department of Fire and Rescue Services.* Notwithstanding any other provision of this title, in the event of a fire or other emergency, personnel of the Department of Fire and Rescue Services may direct traffic to expedite traffic or to safeguard pedestrians.
- (c) *Traffic Section Established.* There is, in the Police Department, a traffic section to be under the control of an officer appointed by and responsible to the Chief of Police.
- (d) *Duty of Traffic Section.* The traffic section shall:

- (1) Enforce the provisions of this subtitle and the Maryland Vehicle Law;
 - (2) Make arrests for traffic violations;
 - (3) Investigate accidents;
 - (4) Establish an accident towing program;
 - (5) Cooperate with the Department of Public Works and other County Officials in the administration of the traffic laws and in developing ways and means to improve traffic conditions; and
 - (6) Carry out other duties and responsibilities imposed by law.
- (e) *Traffic Section to Investigate Accidents.* The traffic section shall investigate traffic accidents and, arrest and assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.
- (f) *Traffic Accident Studies.* Whenever the accidents at any particular location become numerous, the traffic section shall cooperate with the Department of Public Works in conducting studies of such accidents and determining remedial measures.
- (g) *Traffic Accident Reports.* The traffic section shall maintain a suitable system of filing traffic accident reports. Selected groups of reports shall be forwarded to the Department of Public Works for its use and information.
- (h) *Accident Towing Program:*
- (1) To ensure public safety on County roads, there is an accident towing program in the traffic section of the Police Department.
 - (2) The traffic section shall establish criteria for the program, which covers the towing of:
 - (i) Private vehicles from collision scenes;
 - (ii) Disabled vehicles; and
 - (iii) Vehicles that impede the safe circulation of traffic on County roads or represent a threat to public safety.
 - (3) Contracts for the accident towing program shall be awarded by the office of purchasing through a competitive process under title 4 of this Code.
 - (4) A tow operator shall not charge more than a maximum rate that is set annually by resolution of the County Council.

(C.B. 9, 1997; C.B. 79, 2004)

Sec. 21.302. - Traffic control devices; authority.

The Department of Public Works shall place and maintain traffic control devices when and as required under County law or the Maryland Vehicle Law and may place and maintain additional traffic control devices as it may deem necessary to regulate, warn, or guide traffic under County law or the Maryland Vehicle Law.

(C.B. 9, 1997)

Sec. 21.303. - Traffic control devices; specifications.

All traffic control devices and their use shall conform to the Manual of Uniform Traffic Control Devices and Specifications approved by the State of Maryland. All traffic control devices in the County shall, so far as practicable, be uniform as to type and location.

(C.B. 9, 1997)

Sec. 21.304. - Testing traffic control devices.

The Department of Public Works may test traffic control devices under actual conditions of traffic.

(C.B. 9, 1997)

Sec. 21.305. - Sight distance obstructions to traffic.

(a) *Determination of Obstruction; Notification:*

- (1) The Director of Public Works may determine, based on Federal, State, or local standards, that a physical obstruction, except a building, located on private property, or any obstruction on a public right-of-way, so restricts the vision of drivers on a highway as to create a hazardous condition.
- (2) Based on a determination under paragraph (1) of this subsection, the Director of Public Works shall notify the property owner, in writing, of the condition, including:
 - (i) A statement of particulars in which the vision of motor vehicle operators is obstructed;
 - (ii) The steps necessary to correct the obstruction; and
 - (iii) A request that the property owner correct the obstruction.

(b) *Failure to Correct Obstruction.* If the property owner fails to comply with the letter requesting correction of the visibility obstruction within 30 days, an order of removal shall be issued to the property owner ordering the property owner to correct the visibility obstruction within 30 days.

(c) *Appeal of Order of Removal.* Any person aggrieved by an order under this section may, within ten days of the receipt of the order, petition the Director of Public Works, in writing, for a hearing. Within ten days from the receipt of the petition, the Director of Public Works shall hold a hearing, after which the Director may either affirm, modify or rescind the order. No official of the County Government may remove any obstruction or enforce any order issued hereunder until after such hearing by the Director of Public Works has been held, or until the time to petition for such hearing has expired, without such a petition having been filed, or until an appeal becomes final.

(d) *Failure to Comply with Order.* If a person fails to comply with an order issued under this section within the time specified, the Director of Public Works shall order the removal of all or such part of the obstruction as may be necessary to eliminate the hazardous condition.

(e) *Service on Property Owner.* All orders and notices issued by the Director of Public Works under this section shall be served on the person to whom they are directed either by registered mail or by personal delivery. If the recipient is known not to reside in and cannot be found in the County, service shall be made by publication once in a newspaper of general circulation in the County and by posting the same on the premises in a conspicuous manner. Service by publication and posting shall be deemed to be made on the day of publication or posting.

(f) *Corrective Action by Director.* The Director of Public Works may order the visibility obstruction to be removed by County personnel if the removal:

- (1) Would constitute an excessive economic burden on the property owner;
- (2) Involves regrading of both a public right-of-way and adjoining private property; or
- (3) Would result in the removal of vegetation located in the public right-of-way that has encroached upon adjoining private property.

- (g) *Work Plan.* If the Director of Public Works corrects the visibility obstruction with County personnel, a detailed description of work and/or construction plans and a work schedule shall be furnished to the property owner when private property is to be physically altered.

(C.B. 9, 1997)

Sec. 21.306. - Limitations on turning; business district.

The driver of a vehicle on a highway in a business district may not turn a vehicle so as to proceed in the opposite direction and may not, on any other highway, so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(C.B. 9, 1997)

Sec. 21.307. - Snow emergency routes.

- (a) *Snow tires* defined. In this section, *snow tires* means those tires that are in a good state of repair and that:
- (1) Are normally designated by their manufacturer as snow tires;
 - (2) Are approved by the motor vehicle administration as meeting the standards of effectiveness required of normally designated snow tires; or
 - (3) Have anti-skid patterns cut into the treated surfaces, which are specifically designed to give effective traction on snow or ice-covered highways.
- (b) *Designation of Snow Emergency Routes.* The Director of Public Works may designate any County highway as a snow emergency route. When a highway is so designated, appropriate signs indicating this designation shall be placed along the highway.
- (c) *Declaration of Snow Emergency.* When a snow emergency is declared pursuant to the provisions of the Maryland Vehicle Law, which snow emergency encompasses Howard County, the snow emergency is effective for snow emergency routes designated under this section. A snow emergency, once declared, shall remain in effect until the Director of Public Works declares that the snow emergency is no longer in effect for County highways.
- (d) *Travel on Snow Emergency Routes.* An individual may not drive or attempt to drive a motor vehicle on a highway that is designated and posted as a snow emergency route and for which a snow emergency has been declared and is in effect, unless the vehicle is equipped with snow tires or chains on at least one wheel at each end of a driving axle.
- (e) *Parking on Snow Emergency Routes.* An individual may not park a vehicle on a highway that is designated and posted as a snow emergency route and for which a snow emergency has been declared and is in effect. The Police Department may impound a vehicle parked in violation of this subsection.

(C.B. 9, 1997)

Sec. 21.308. - Crosswalks and safety zones.

- (a) The Department of Public Works may designate and maintain, by appropriate traffic control devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as are necessary.
- (b) The Department of Public Works may establish safety zones of such kind and character and at such places as may be necessary for the protection of pedestrians.

(C.B. 9, 1997)

Sec. 21.309. - Traffic lanes.

The Department of Public Works may mark with lines or other devices, traffic lanes on the roadway of any highway where a regular alignment of traffic is necessary.

(C.B. 9, 1997)

Sec. 21.310. - Applicability of State speed laws.

- (a) *In General.* Except as provided in subsection (b) of this section, provisions of the Maryland Vehicle Law regulating the speed of vehicles apply on all highways within the County.
- (b) *Department of Public Works May Set Speed Limits:*
 - (1) If authorized by the Maryland Vehicle Law, the Department of Public Works may determine, upon the basis of an engineering and traffic investigation, that certain speed regulations shall be applicable upon specified streets or in certain areas of the County.
 - (2) On the basis of that determination, the Department shall post signs giving drivers notice of the speed limit.
 - (3) If a sign is posted under this section, the driver of a vehicle shall obey the instructions thereon.

(C.B. 9, 1997)

Sec. 21.311. - Speed regulations.

- (a) *Department of Public Works to Declare Speed Limit.* If the Department of Public Works determines, on the basis of an engineering investigation, that the maximum speed permitted by State law is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the Department may determine and declare a reasonable and safe maximum limit thereon which:
 - (1) Decreases the limit at intersections;
 - (2) Increases the limit within an urban district, but not to more than 50 miles per hour; or
 - (3) Decreases the limit outside an urban district, but not less than 25 miles per hour.
- (b) *Proper Maximum Speed.* The Department of Public Works shall determine, by an engineering investigation, the proper maximum speed for all County highways and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under State law.
- (c) *When Speed Limit Effective.* Any altered speed limit established under this section shall be effective when appropriate signs giving notice thereof are erected upon the highway.
- (d) *Timing of Traffic Control Signals.* The Department of Public Works may regulate the timing of traffic control signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

(C.B. 9, 1997)

State Law reference— Authority to regulate speed, Ann. Code of Md. Transportation article, § 25-102(a)(10); speed generally, Ann. Code of Md., Transportation article, § 21-801 et seq.

Sec. 21.312. - Turning movements.

- (a) *Authority to Place Devices Altering Normal Course for Turns.* The Department of Public Works may place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections.
- (b) *Authority to Place Restricted Turn Signs.* The Department of Public Works may determine those intersections at which drivers of vehicles shall not enter or make a right, left or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs, or they may be removed when such turns are permitted.

(C.B. 9, 1997)

State Law reference— Authority to regulate or prohibit turning of vehicles Ann. Code of Md. Transportation article, § 25-102(a)(9); turning movements, Ann. Code of Md., Transportation article, § 21-601 et seq.

Sec. 21.313. - Restrictions on use of certain vehicles.

- (a) *Weight Restrictions.* When posted, an individual may not operate a vehicle on a highway with a gross weight in excess of the amounts specified.
- (b) *Commercial Vehicles Restricted:*
 - (1) Except as provided in paragraph (2) of this subsection, when posted, an individual may not operate a commercial vehicle on a highway.
 - (2) Paragraph (2) of this subsection does not apply to a vehicle when delivering or picking up materials or merchandise, so long as the operator of the vehicle uses the most expeditious route for ingress and egress to the restricted area.
- (c) *Size Restrictions.* As provided in the Maryland Vehicle [Law], the Department of Public Works may restrict the size of vehicles on a highway.
- (d) *Restrictions upon Use of Streets by Certain Vehicles.* The Department of Public Works may determine and designate those heavily traveled streets upon which shall be prohibited the use of the roadway by motor-driven cycles, bicycles, horse-drawn vehicles or other nonmotorized traffic and shall erect signs giving notice thereof.
- (e) *Use of Certain Vehicles on Private Property.* An individual may not operate a minibike, motorcycle, go-cart or other similar vehicle on any private property, not owned or leased by the operator, unless the operator obtains written permission from the owner of the property. This written permission shall be displayed upon demand of any officer of the Police Department. The Police Department may impound the vehicle if the requirements of this subsection are not met.

(C.B. 9, 1997)

Sec. 21.314. - One-way streets and narrow streets.

- (a) *Authority to Sign One-Way Streets and Alleys.* Upon the basis of an engineering investigation, one-way streets and alleys are hereby designated as such whenever the Department of Public Works shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless

such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

- (b) *One-Way Streets and Alleys.* Upon those streets and parts of streets and in those alleys as shall be determined above, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
- (c) *Authority to Restrict Direction of Movement on Streets During Certain Periods.* The Department of Public Works may determine and designate a highway or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate signs, markings, barriers or other devices to give notice thereof. The Department of Public Works may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.
- (d) *Narrow Highways.* The Department of Public Works may erect signs and/or curb markings indicating no parking on a highway when the width of the roadway does not exceed 24 feet, or upon one side of a street as indicated by such signs, when the width of the roadway does not exceed 30 feet.

(C.B. 9, 1997)

State Law reference— Authority to regulate or prohibit turning of vehicles Ann. Code of Md. Transportation article, § 25-102(a)(4); one-way streets, Ann. Code of Md., Transportation article, § 21-

Sec. 21.315. - Stop and yield intersections.

Upon the basis of an engineering study, the Department of Public Works shall place and maintain stop or yield signs, as appropriate, at highway intersections and hazardous entrances to highways. Signs under this subsection shall be installed in accordance with the most recent edition of the manual for uniform traffic control devices.

(C.B. 9, 1997)

State Law reference— Stop and yield signs, Ann. Code of Md., Transportation article, § 21-708.

SUBTITLE 4. - BICYCLES⁽³⁾

Footnotes:

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State Law reference— Authority to regulate bicycles, Ann. Code of Md. Transportation article, § 25-102(a)(8); bicycles and play vehicles, Ann. Code of Md. Transportation article, § 21-1201 et seq.

Sec. 21.400. - Policy.

It is the public policy of Howard County, Maryland, that the County is concerned about the safe operation of bicycles on public rights-of-way; and for this reason, in order to protect the health, welfare and safety of the residents of the County, it is necessary that reasonable regulations be promulgated to

permit the operation of bicycles in a prescribed manner and to require the use of safety equipment during their operation. These regulations are in addition to the Statewide bicycle regulations contained in the Maryland Vehicle Law.

(C.B. 9, 1997)

Sec. 21.401. - Scope.

- (a) The provisions of this subtitle apply throughout the County on public rights-of-way and publicly owned facilities under the jurisdiction of the County.
- (b) The parent, guardian or legal custodian of a minor shall not authorize nor knowingly permit the minor to violate this subtitle.

(C.B. 9, 1997)

Sec. 21.402. - Equipment for bicycle riders.

Any person less than 16 years of age operating or riding on a bicycle on a public roadway, bicycle path, or any right-of-way under the jurisdiction and control of the County shall wear a protective helmet designed for bicycle safety. Such helmet shall meet or exceed the standards set by the American National Standards Institute or the Snell Foundation.

(C.B. 9, 1997)

Sec. 21.403. - Use of sidewalk and pathways.

- (a) In this section, "play vehicle" includes a skateboard and similar devices.
- (b) This section does not apply on the following roads in historic Ellicott City:
 - (1) Main Street between the Patapsco River and Ellicott Mills Drive;
 - (2) Ellicott Mills Drive from Main Street to the first intersection with Fels Lane;
 - (3) Court Avenue;
 - (4) Church Road between Main Street and Sarahs Lane;
 - (5) Emory Street;
 - (6) Saint Paul Street between Maryland Avenue and College Avenue;
 - (7) Maryland Avenue between Main Street and Mulligans Hill Lane;
 - (8) Mulligans Hill Lane;
 - (9) Old Columbia Pike between Main Street and Roussey Lane;
 - (10) Hamilton Street;
 - (11) Forrest Street;
 - (12) Merryman Street; and
 - (13) Hill Street.
- (c) Pursuant to Ann. Code of Md., Transportation article, § 21-1103, a person may ride a bicycle, play vehicle, or unicycle on a sidewalk or pathway.

- (d) The Department of Public Works shall post signs along sidewalks and pathways that are closed to bicycles, play vehicles, or unicycles.

(C.B. 9, 1997; C.B. 3, 2016, § 1)

Sec. 21.403A. - Sharrows.

The Department of Public Works shall place and maintain shared lane markings, known as bike-and-chevron sharrows, on Main Street between Ellicott Mills Drive and the Patapsco River bridge in historic Ellicott City.

(C.B. 3, 2016, § 1)

Sec. 21.404. - Penalty for violation.

- (a) The provisions of this subtitle shall be enforced with civil penalties under title 24, "civil penalties," of the Howard County Code. A first offense violation of any of the provisions of this subtitle shall constitute a Class E offense; and a second offense violation of this subtitle within 12 months, shall constitute a Class D offense.
- (b) The court may waive any fine for which a person found guilty of violating the provision of section 21.402 of this subtitle would be liable, if the person supplies the court with proof that between the date of violation and the appearance date for such violation, the person purchased a helmet which meets the requirement of section 21.402 of this subtitle.

(C.B. 9, 1997)

SUBTITLE 5. - PUBLIC TRANSPORTATION

Sec. 21.500. - Public policy for transportation.

- (a) *Public Policy.* It is the public policy of Howard County, Maryland, to promote, encourage and assist public and private carriers in establishing efficient and viable public transportation services to the people of the County, to develop a comprehensive plan for providing public transportation services, and when consistent with any such plan duly adopted by the County Council, to establish, own and operate public transportation facilities.
- (b) *Definition.* In this subtitle *capital improvement master plan (C.I.M.P.) for transportation* means a plan proposed by the County Executive upon the recommendations of the Director of Planning and Zoning and the Director of Public Works, and adopted by the County Council pursuant to the provisions of section 22.405 of the County Code. The C.I.M.P. indicates the capital improvements to the County's road and bridge network and public transportation system to be constructed during the next ten years in order to implement the housing and employment growth projections of the County's general plan. The C.I.M.P. for transportation includes the roads, bridges, traffic lights, and public transportation system projects included in the Howard County Capital Budget and Capital Program and Extended Capital Program and the Maryland Consolidated Transportation Program.
- (c) *Requirement to Prepare C.I.M.P. and Review It Annually.* The Department of Public Works and the Department of Planning and Zoning shall jointly prepare the C.I.M.P. for transportation pursuant to the provisions of section 22.405 of the County Code. The Departments shall review the plan annually and shall submit updates as appropriate for adoption by the County Council.

(C.B. 9, 1997)

Sec. 21.501. - General powers and duties of County Executive.

The County Executive may:

- (a) Develop a comprehensive plan for providing public transportation in Howard County, Maryland, and to submit such a plan to the County Council for its approval. Such plan shall assess the needs for public transportation, the resources available to meet such needs, and shall recommend an orderly and economically viable procedure for development of public transportation services in the County, and shall be coordinated with State and regional transportation plans;
- (b) Contract with public agencies and firms, corporations or associations to provide public transportation services to Howard County residents;
- (c) Design, establish, and implement appropriate transportation programs consistent with local and regional planning;
- (d) Apply for, receive, and administer, grants, funds, services, equipment, real and personal property, and other valuable consideration from any source, to assist in the establishment, implementation and support of transportation programs that benefit County residents; and
- (e) Act as a liaison and coordinator in cooperation with local, regional, State, and Federal bodies and agencies in the field of public transportation.

(C.B. 9, 1997)

Sec. 21.502. - Multimodal Transportation Board.

- (a) *General Provisions.* General provisions applicable to the Multimodal Transportation Board are set forth in subtitle 3, "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the Howard County Code.
- (b) *Number of Members.* There is a Howard County Multimodal Transportation Board. The Howard County Multimodal Transportation Board shall consist of nine members. Non-voting ex officio members from State, regional, and County agencies may also be designated by the County Executive, but not to exceed four in number.
- (c) *Qualifications.*
 - (1) Each member shall be a resident of Howard County;
 - (2) Each member shall be experienced or interested in or a user of at least one of the following:
 - (i) Public transit, including fixed-route or paratransit;
 - (ii) Bicycle transportation;
 - (iii) Pedestrian transportation;
 - (iv) Road networks that promote all modes of transportation; or
 - (v) Transportation demand management.
 - (3) As new appointments are considered, special attention shall be given to ensure that a balance of expertise is maintained on the Board. The County Executive shall, when submitting the appointment of a potential Board member to the County Council for approval, also provide a statement of the balance of expertise among the existing members of the Board and an explanation of how the potential appointee's expertise will complement the current balance.
- (d) *Executive Secretary.* The Administrator of the Office of Transportation or the Administrator's designee shall serve as Executive Secretary to the Board and shall attend all meetings.

(C.B. 9, 1997; C.B. 20, 2017, § 1)

Sec. 21.503. - General powers and duties of Multimodal Transportation Board.

The Howard County Multimodal Transportation Board shall:

- (a) Initiate, advise, and assist in providing transportation options for Howard County residents and businesses, including, but not limited to:
 - (1) Public transit, including fixed-route and paratransit;
 - (2) Bicycle transportation;
 - (3) Pedestrian transportation;
 - (4) Road networks that promote all modes of transportation; and,
 - (5) Transportation demand management;
- (b) Make recommendations to the County Executive as requested or by its own initiation, concerning contracts with State and Federal agencies, firms, corporations, and associations to provide public transportation services to Howard County;
- (c) Encourage additional home-to-work transit services, including, but not limited to the modes of transportation described in subsection (a) of this section;
- (d) Assist in providing adequate public transportation for County residents having no alternative means of transportation;
- (e) Assist in increasing transportation access to health and human services, educational institutions, recreational facilities and other goods and services;
- (f) Develop and submit recommendations to County, State, and regional administrative bodies in planning comprehensive transportation services for Howard County residents;
- (g) Receive and coordinate public comment and complaints concerning transportation needs and to recommend actions thereon; and
- (h) Make recommendations, in consultation with the Transit and Pedestrian Advisory Group, to the Office of Transportation on any proposed permanent elimination or relocation of a transit stop in Howard County after notice is provided and at least one public meeting is held at which interested persons shall be afforded a reasonable opportunity to offer input into the proposed change; however, nothing in the foregoing shall preclude the County from the temporary elimination or relocation of a transit stop in the case of an emergency, provided that no such change shall be made permanent prior to completion of the Board's recommendation process described above; and
- (i) Furnish recommendations and provide information to the County Executive and the County Council on any matter concerning the present and future needs of public transportation in Howard County, including providing access to both the Baltimore and Washington areas through the transportation options described in this section.
- (j) At the directive of the County Executive or by resolution of the County Council, review and make recommendations on any matter related to public transportation in Howard County.

(C.B. 9, 1997; C.B. 20, 2017, § 1)

SUBTITLE 6. - SPEED MONITORING SYSTEMS

Sec. 21.600. - Definitions.

Terms in this subtitle have the meanings indicated:

- (a) *Owner* shall have the meaning set forth in section 21-809 of the Transportation Article of the Annotated Code of Maryland.
- (b) *Recorded image* shall have the meaning set forth in section 21-809 of the Transportation Article of the Annotated Code of Maryland.
- (c) *Speed monitoring system* shall have the meaning set forth in section 21-809 of the Transportation Article of the Annotated Code of Maryland.
- (d) *School zone* shall be a zone established in accordance with section 21-803.1 of the Transportation Article of the Annotated Code of Maryland. for purposes of this subtitle, a school zone on a county road shall be determined, following a public meeting for community comment, by the Department of Public Works to be that part of the road that has a reasonable nexus or proximity to a school or school walking route based on an engineering evaluation conducted by the Department of Public Works and a school zone shall be marked with signage as required by state law.

(C.B. 13, 2011, § 2)

Sec. 21.601. - Authority to use speed monitoring systems; use of fines.

- (a) In accordance with section 21-809 of the Transportation Article of the Annotated Code of Maryland, the Howard County Department of Police may:
 - (1) Use up to eight speed monitoring systems for the purpose of determining the speed of a vehicle traveling within a designated school zone; and
 - (2) Issue civil citations to vehicle owners based upon the speed recorded by the recorded image of the speed monitoring system.
- (b) In accordance with section 7-302 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, regarding fines collected as a result of violations enforced by speed monitoring systems, the County may:
 - (1) Recover the costs of implementing and administering the speed monitoring systems; and
 - (2) Subject to section 7-302(e)(4)(ii) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, spend any remaining balance solely for public safety purposes, including pedestrian safety programs.
- (c) Any citation issued under this section shall include:
 - (1) Information about the right to a trial and to have the speed monitoring system operator present at the trial; and
 - (2) How to request that the speed monitoring system operator be present at the trial.
- (d) If a citation is issued on the basis of speed indicated by a flashing light, the speed system operator must verify that the flashing lights are operating properly.

(C.B. 13, 2011, § 2)

Sec. 21.602. - Report.

- (a) Subject to section 22.1000 of the County Code, regarding the use of speed monitoring systems in school zones, the Department of Police shall submit a written report to the County Council that shall include the following:
 - (1) Enforcement activity information including the location and frequency of the placement of speed monitoring systems;

- (2) Citation information including the number of initial violations photographed, the number of violations rejected, the number of citations issued, the number appealed, and the outcome of final adjudication;
 - (3) Collision information including a comparison of collision data in school zones before and after the use of speed monitoring systems;
 - (4) Any updated speed surveys that are conducted at select locations;
 - (5) Financial information including program costs, vendor fees, total fines collected, the amount of any fines collected in excess of program costs, and the actual or planned use for fines collected in excess of program costs;
 - (6) A list of school zones and specifically highlighting any changes from the previous year's report to either the school zone or the speed limit within the school zone;
 - (7) Any major problems or irregularities experienced; and
 - (8) Any program recommendations.
- (b) The Department of Police shall submit the report annually on or before March 1 for the preceding calendar year. At the request of the County Council, the report shall be presented at a public meeting.

(C.B. 13, 2011, § 2)

Sec. 21.603. - Notice.

- (a) The Department of Public Works shall place a sign at the beginning of each school zone indicating that a speed monitoring system may be in use in the school zone.
- (b) The Department of Police shall publish notice of the location of speed monitoring systems on its website.

(C.B. 13, 2011, § 2; C.B. 43, 2018, § 1)

SUBTITLE 7. - SCHOOL BUS MONITORING CAMERAS.

Sec. 21.700. - School bus monitoring cameras.

- (a) *Definitions.* For purposes of this section, the following terms shall have the meaning indicated.
 - (1) *School bus monitoring camera* has the meaning stated in section 21-706.1 of the Transportation Article of the Annotated Code of Maryland.
- (b) *In general.* The use of school bus monitoring cameras is authorized in Howard County in accordance with section 21-706.1 of the Transportation Article of the Annotated Code of Maryland.
- (c) *Enforcement.* The Howard County Department of Police may issue civil citations for violations of this section.
- (d) *Violations.* A person who commits a violation of section 21-706 of the Transportation Article of the Annotated Code of Maryland that is recorded by a school bus monitoring camera is subject to the maximum civil penalty allowed under section 21-706.1 of the Transportation Article of the Annotated Code of Maryland.
- (e) *Use of fines.* Fines collected under this section shall be used to:
 - (1) Recover the costs of installing, operating, and maintaining school bus monitoring cameras; and
 - (2) For public safety purposes, including pedestrian safety programs.

(C.B. 18, 2019, § 1)

TITLE 22 - GENERAL PROVISIONS¹¹¹

Footnotes:

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Editor's note— C.B. 32, 2014, § 2, amended the title of title 22 to read as herein set out. Formerly title 22 was titled General Provisions, Penalties and Rules of Interpretation.

SUBTITLE 1. - COUNTY FLAG AND COUNTY SEAL

Sec. 22.100. - County flag.

The Howard County flag is a red, white, green and gold design which incorporates part of the flag of the State of Maryland. Added to the basic design, on the first quarterly, a sheaf of wheat in gold. In the fourth quarterly, a green outline of the County is set in a triangle of gold. The remaining quarterlies are red. The flag is centered with the same red and white cross incorporated in the flag of the State of Maryland.

The design is as published in the Central Maryland News of June 6, 1968.

(C.B. 11, 1969)

Sec. 22.101. - County seal.

- (a) *Origin.* The seal of Howard County, Maryland, shall be a copy of the seal designed by Edward Stabler for the Howard District of Anne Arundel County, Maryland, and dated 1840.
- (b) *Design.* The seal, based on the Stabler design, is a shock of wheat, centrally dominant, with a hand plow to the left and a pike harrow to the right. All three are centered in a plowed field with tobacco plants growing in the foreground. Trees and rolling hills form the background. A cloudless sky forms the upper third of the design.
- (c) *Color Rendering.* When rendered in color, the design colors shall be: The sky, prussian blue-medium; the wheat, yellow ochre; the hills, graduated shades of terraverte; the tobacco plant in the foreground, chrome-green-medium; the trees, a dark shade of chrome green; the soil, burnt umber-medium; the spike harrow and the plow blade, ivory black diluted to gray; and the plow handles, burnt sienna-medium.
- (d) *Displaying.* The County seal shall be displayed on the wall of the County Council hearing room, Ellicott City, Maryland. The seal may be displayed in other County buildings.
- (e) *Attesting.* The duly elected County Executive of Howard County, the duly appointed Secretary to the County Council of Howard County, and the duly appointed County Administrator of Howard County shall attest to the County seal.
- (f) *Use.* It shall be unlawful for any person to make or use the seal, or reproduction thereof, for any purpose other than for the official business of Howard County, unless expressly approved in writing by the Chief Administrative Officer. The seal, or any representation or near representation, shall not be used for:
 - (1) Any political purpose, including, but not limited to mailers or handouts; or
 - (2) Any purpose which would mislead the public into believing they are dealing with a representative of Howard County.

- (g) *Penalties.* Any person who violates the provisions of subsection 22.101(f) of this subtitle is guilty of a misdemeanor and, upon conviction, is subject to a fine not exceeding \$1,000.00 for each occurrence and/or imprisonment not exceeding five months. Alternatively, in addition to and concurrent with all other remedies at law or equity the Chief Administrative Officer and Howard County may enforce the provisions of subsection 22.101(f) with civil penalties pursuant to title 21 "civil penalties" of the Howard County Code. A violation of this section is a Class B offense.

(C.B. 12, 1969; C.B. 56, 1973; C.B. 74, 2004)

SUBTITLE 2. - HOWARD COUNTY PUBLIC ETHICS LAW¹²¹

Footnotes:

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Editor's note— C.B. 50, 2011, § 1, adopted Nov. 11, 2011, repealed former Subt. 2, §§ 22.200—22.209, and enacted a new Subt. 2 as set out herein. Former Subt. 2 pertained to public ethics and originally derived from C.B. 14, 1982 and was amended by numerous ordinances. See the Code Comparative Table—Council Bills for complete derivation.

State Law reference— Local public ethics laws, Ann. Code of Md., State Government article, § 15-801 et seq.; public ethics laws required, Ann. Code of Md., State Government article, § 15-803; special provisions for Howard County, State Government article, § 15-848 et seq.

Sec. 22.200. - Short title.

This subtitle may be cited as the Howard County Public Ethics Law.

(C.B. 50, 2011, § 1)

Sec. 22.201. - Statement of purpose and policy.

- (a) Howard County, recognizing that our system of representative government is dependent in part upon the people maintaining the highest trust in their public officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of public officials and employees will be maintained.
- (b) It is evident that this confidence and trust is eroded when the conduct of the County's business is subject to improper influence and even the appearance of improper influence.
- (c) For the purpose of guarding against improper influence, the County Council enacts this Public Ethics Law to require County elected officials, officials, employees, and individuals appointed to Boards and Commissions to disclose their financial affairs and to set minimum standards for the conduct of local government business.
- (d) It is the intention of the Council that this subtitle, except its provisions for criminal sanctions, be liberally construed to accomplish this purpose.

(C.B. 50, 2011, § 1)

Sec. 22.202. - Definitions.

In this subtitle, the following terms have the meanings indicated:

- (a) (1) *Business entity* means a corporation, general or limited partnership, limited liability company, limited liability partnership, sole proprietorship, joint venture, unincorporated association or firm, institution, trust, foundation, or other organization, whether or not operated for profit.
- (2) Business entity does not include a governmental entity.
- (b) *Commission* means the Howard County Ethics Commission established under section 22.203 of this subtitle.
- (c) (1) *Compensation* means any money or thing of value, regardless of form, received or to be received by any individual covered by this subtitle from an employer for service rendered.
- (2) For the purposes of section 22.207 of this subtitle, if lobbying is only a portion of a person's employment, "compensation" means a prorated amount based on the time devoted to lobbying compared to the time devoted to other employment duties.
- (d) *County* means Howard County.
- (e) *Doing business with* means:
 - (1) Having or negotiating a contract that involves the commitment, either in a single or combination of transactions, of \$5,000.00 or more of County controlled funds; or
 - (2) Being regulated by or otherwise subject to the authority of the County; or
 - (3) Being registered as a lobbyist under section 22.207 of this subtitle.
- (f) (1) *Elected official* means any individual who holds an elective office of the County.
- (2) *Elected official* does not include the sheriff, state's attorney, register of wills, the clerk of the court, or a member of the Maryland General Assembly.
- (g) (1) *Employee* means an individual who is employed by the County or the Howard County Library, including a contingent employee.
- (2) *Employee* does not include an elected local official.
- (3) *Employee* does not include an employee of:
 - (i) The offices of the sheriff, state's attorney, register of wills, or the clerk of the court;
 - (ii) The County health department; or
 - (iii) The County department of social services.
- (4) *Employee* does not include a contractual employee, unless the contractual employee is subject to this subtitle by the terms of a contract.
- (h) *Financial interest* means:
 - (1) Ownership of any interest as the result of which the owner has received, within the past three years, or is presently receiving, or in the future is entitled to receive, more than \$1,000.00 per year; or
 - (2) Ownership, or the ownership of securities of any kind representing or convertible into ownership, of more than 3 percent of a business entity by a County official or employee, or the spouse of an official or employee.
- (i) (1) *Gift* means the transfer of anything of economic value, regardless of the form, without adequate and lawful consideration.
- (2) *Gift* does not include a political campaign contribution regulated under the Elections Article of the Annotated Code of Maryland or any other provision of State or local law regulating the conduct of elections or the receipt of political campaign contributions.
- (j) *Immediate family* means a spouse and dependent children.

- (k) (1) *Interest* means a legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.
- (2) For purposes of section 22.204 of this subtitle, "interest" includes any interest held at any time during the reporting period.
- (3) *Interest* does not include:
 - (i) An interest held in the capacity of a personal agent, custodian, fiduciary, or personal representative, trustee, unless the holder has an equitable interest in the subject matter;
 - (ii) An interest in a time or demand deposit in a financial institution;
 - (iii) An interest in an insurance policy, endowment policy or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 - (iv) A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the internal revenue service to be a qualified trust under the Internal Revenue Code;
 - (v) A college savings plan under the Internal Revenue Code; or
 - (vi) A mutual fund that is publicly traded on a national scale unless the mutual fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the department in which the individual is employed.
- (l) *Lobbyist* means a person required to register and report expenses related to lobbying under section 22.207 of this subtitle.
- (m) *Lobbying* means:
 - (1) Communicating in the presence of a County official or employee with the intent to influence any official action of that official or employee; or
 - (2) Engaging in activities with the express purpose of soliciting others to communicate with a County official or employee with the intent to influence that official or employee.
- (n) *Official* means an elected official, an employee of the County, or a person appointed to or employed by the County or any County agency, board, commission, or similar entity:
 - (1) Whether or not paid in whole or in part with County funds; and
 - (2) Whether or not compensated.
- (o) *Person* includes an individual or business entity.
- (p) *Qualified relative* means a spouse, parent, child, brother or sister.

(C.B. 50, 2011, § 1; C.B. 5, 2015, § 1)

Sec. 22.203. - Administration.

- (a) There is a Howard County Ethics Commission that consists of five members, appointed by the County Executive with the concurrence of the County Council.
- (b) In addition to the qualifications set forth for board and commission members generally in title 6, subtitle 3 of this Code, members of the Ethics Commission shall not:
 - (1) Serve more than two consecutive terms;
 - (2) Hold or be a candidate for any elected or appointed Office of the United States, the State, any political subdivision or incorporated municipality of the State, or of any political party;

- (3) Be an employee of the County or of any political party; and
- (4) Be otherwise required to file a lobbying registration pursuant this subtitle.
- (c) (1) The Commission shall elect a chairman from among its members.
- (2) The term of the chairman is one year.
- (3) The chairman may be reelected.
- (d) A majority vote of the Commission shall consist of three or more votes. A quorum consists of three members present.
- (e) (1) The County Solicitor shall assist the commission in carrying out the Commission's duties;
- (2) If a conflict of interest under section 22.204 of this subtitle or other conflict prohibits the County Solicitor from assisting the Commission in a matter, the County shall provide sufficient funds for the Commission to hire independent counsel for the duration of the conflict.
- (f) The County Solicitor shall designate an Executive Secretary who shall attend all meetings.
- (g) The Commission is the advisory body responsible for interpreting this subtitle and advising persons subject to this subtitle regarding its application.
- (h) The Commission shall hear and decide, with the advice of the County Solicitor or other legal counsel if appropriate, all complaints filed regarding alleged violations of this subtitle by any person.
- (i) The Commission shall keep on file the minutes of its proceedings in accordance with State of Maryland's Open Meetings Act. The Commission, or an office designated by the Commission, shall retain as a public record all forms submitted by any person under this subtitle for the longer of:
 - (1) Four years after receipt; or
 - (2) If the person is an elected official, the entirety of the person's term.
- (j) The Commission shall conduct a public information and education program regarding the purpose and implementation of this subtitle.
- (k) The Commission shall certify to the state ethics commission on or before October 1 of each year that the County is in compliance with the requirements of the State Government Article, title 15, subtitle 8, of the Annotated Code of Maryland for Elected Local Officials.
- (l) The Commission shall:
 - (1) Determine if changes to this subtitle are required to be in compliance with the requirements of the State Government Article, title 15, subtitle 8, of the Annotated Code of Maryland; and
 - (2) Forward any recommended changes and amendments to the County Council for enactment.
- (m) (1) Any person subject to this subtitle may request an advisory opinion from the Commission concerning the application of this subtitle.
- (2) The Commission shall respond promptly to a request for an advisory opinion and shall provide interpretations of this subtitle based on the facts provided or reasonably available to the Commission within 60 days of the request.
- (3) In accordance with all applicable State and County laws regarding public records, the Commission shall publish or otherwise make available to the public copies of the advisory opinions, with the identities of the subjects deleted.
- (4) The Commission may adopt additional policies and procedures related to the advisory opinion request process.
- (n) (1) Any person may file a complaint with the Commission alleging a violation of any of the provisions of this subtitle.
- (2) A complaint shall be in writing and under oath; and

- (3) The Commission may refer a complaint to the County Solicitor, or other legal counsel if appropriate, for investigation and review.
 - (4) The Commission may reject without further proceedings any complaint which it deems to be plainly frivolous or which, assuming the facts alleged were true, does not state a violation of this subtitle.
 - (5) The Commission may dismiss a complaint if, after receiving an investigative report, the Commission determines that there are insufficient facts upon which to base a determination of a violation.
 - (6) If there is a reasonable basis for believing a violation has occurred, the subject of the complaint shall be given an opportunity for a hearing conducted in accordance with the applicable County Rules of Procedure.
 - (7) A final determination of a violation resulting from the hearing shall include findings of fact and conclusions of law.
 - (8) Upon finding a violation, the Commission may take any enforcement action provided for in section 22.208 of this subtitle.
 - (9)
 - (i) After a complaint is filed and until a final finding of a violation by the Commission, all actions regarding a complaint are confidential.
 - (ii) A finding of a violation is public information.
 - (10) The Commission may adopt additional policies and procedures related to complaints, complaint hearings, the use of independent investigators and staff, the use of witness and document subpoenas, and cure and settlement agreements.
- (o) The Commission may grant exemptions to or modifications of the conflict of interest and financial disclosure provisions of this subtitle to officials or employees serving as members of County boards and commissions, when the Commission finds that the exemption or modification would not be contrary to the purposes of this subtitle, and the application of this subtitle would:
- (1) Constitute an unreasonable invasion of privacy; and
 - (2) Significantly reduce the availability of qualified persons for public service.
- (p) The Commission may:
- (1) Assess a late fee of \$2.00 per day up to a maximum of \$250.00 for a failure to timely file a financial disclosure statement required under section 22.206 of this subtitle; and
 - (2) Assess a late fee of \$10.00 per day up to a maximum of \$250.00 for a failure to file a timely lobbyist registration or lobbyist report required under section 22.207 of this subtitle.
- (q) (1) The Executive Secretary or a designee, on behalf of the Commission, may issue subpoenas:
- (i) For the attendance of witnesses to testify; or
 - (ii) To produce documents and other evidence relevant and necessary to the administration and enforcement of this subtitle.
- (2) A subpoena shall be served by hand-delivering or mailing by certified mail a copy either to the person named or to an agent authorized by appointment or by law to receive service for the person named.
 - (3) A subpoena may be judicially enforced.

(C.B. 50, 2011, § 1; C.B. 5, 2015, § 1)

Sec. 22.204. - Prohibited conduct and interests.

(a) *Participation Prohibitions.*

- (1) Except as permitted by Commission regulation or opinion, an official or employee may not participate in:
 - (i) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.
 - (ii) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - a. A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
 - b. A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - c. A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating or has any arrangement concerning prospective employment;
 - d. If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
 - e. An entity, doing business with the County, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
 - f. A business entity that:
 1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
 2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.
- (2) A person who is disqualified from participating under paragraph 1. of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
 - (i) The disqualification leaves a body with less than a quorum capable of acting;
 - (ii) The disqualified official or employee is required by law to act; or
 - (iii) The disqualified official or employee is the only person authorized to act.
- (3) The prohibitions of paragraph 1. of this subsection do not apply if participation is allowed by regulation or opinion of the Commission.
- (4) A former regulated lobbyist who is or becomes subject to this subtitle as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.

(b) *Employment and Financial Interest Restrictions.*

- (1) Except as permitted by regulation of the commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
 - (i) Be employed by or have a financial interest in any entity:
 - a. Subject to the authority of the official or employee or the County agency, board, commission with which the official or employee is affiliated; or
 - b. That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
 - (ii) Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
- (2) The prohibitions of paragraph (1) of this subsection do not apply to:
 - (i) An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
 - (ii) Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;
 - (iii) An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted and in accordance with regulations adopted by the Commission; or
 - (iv) Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

(c) *Post-Employment Limitations and Restrictions.*

- (1) A former official or employee may not assist or represent any party other than the County for compensation in a case, contract, or other specific matter involving the County if that matter is one in which the former official or employee significantly participated as an official or employee.
- (2) For a year after the former elected official leaves office, a former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action before Howard County.

(d) *Contingent Compensation.* Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the County.

(e) *Use of Prestige of Office.*

- (1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another.
- (2) This subsection does not prohibit the performance of usual and customary constituent services by an elected official without additional compensation.

(f) *Solicitation and Acceptance of Gifts.*

- (1) An official or employee may not solicit any gift.
- (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.

- (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
 - (i) Is doing business with or seeking to do business with the County office, agency, board or commission with which the official or employee is affiliated;
 - (ii) Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - (iii) Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or
 - (iv) Is a lobbyist with respect to matters within the jurisdiction of the official or employee.
- (4) (i) Subsection (4)(ii) does not apply to a gift:
 - a. That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - b. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - c. Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- (ii) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:
 - a. Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - b. Ceremonial gifts or awards that have insignificant monetary value;
 - c. Unsolicited gifts of nominal value that do not exceed \$20.00 in cost or trivial items of informational value;
 - d. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - e. Gifts of tickets or free admission extended to an elected official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - f. A specific gift or class of gifts that the Commission exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the County and that the gift is purely personal and private in nature;
 - g. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 - h. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related, in any way, to the official's or employee's official position.
- (g) *Disclosure of Confidential Information.* Other than in the discharge of official duties, an official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the official's or employee's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
- (h) *Participation in Procurement.*
 - (1) An individual or a person that employs an individual who assists a County, agency or unit in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement,

may not submit a bid or proposal for that procurement, or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.

- (2) The Commission may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

(C.B. 50, 2011, § 1; C.B. 44, 2018, § 1)

Sec. 22.205. - Exceptions pursuant to the provisions of subsection 901(b) of the Howard County Charter.

(a) *Applicability.* This section applies to all County employees or officials, except:

- (1) Members of the Commission;
- (2) The Executive Secretary to the Commission;
- (3) The County Solicitor; and
- (4) Assistants to the County Solicitor whose assigned duties include representing and providing staff services to the Commission.

(b) *Procedure:*

- (1) *Authorization.* The Commission may authorize County employees or officials to have an interest in or be employed by an entity which has dealings with the County provided that, after a public hearing and full disclosure, the Commission, applying the criteria listed in subsection (c), "criteria," of this section, determines that the interest or employment does not violate the public interest:
- (2) *Request.* The employee or official who wishes such an authorization shall make a signed request in writing to the Commission. The request shall explain in detail:
 - (i) The nature of the entity in which the interest or employment is held and its dealings with the County;
 - (ii) The nature and scope of the employee's or official's interest or employment with the entity;
 - (iii) The nature and scope of the employee's or official's duties with the County;
 - (iv) Any additional information which is relevant to determining whether the public interest would be violated by the interest or the employment.
- (3) *Hearing.* The Commission shall schedule a public hearing on the request to take place within 45 calendar days after the Commission's receipt of the request. The hearing shall be advertised at least once in a newspaper of general circulation in the County. At the public hearing the Commission may hear testimony from the official or employee making the request, from other individuals with knowledge of the employee's or official's role in the County or in the outside entity, and from members of the public.

(c) *Criteria.* The Commission shall consider the following criteria in determining whether to conclude that the outside employment or interest does not violate the public interest and therefore to authorize the interest or employment.

- (1) The employee's or official's duties with the County do not significantly impact on the entity in which a financial interest is held or on the outside employer or on the contract or proposed contract between the County and the entity or outside employer.
- (2) The employee or official is not directly supervised by a person who has duties that significantly impact on the entity or on the outside employer or on the contract or proposed contract.
- (3) The employee or official does not supervise a person who has duties that significantly impact on the entity or on the outside employer or on the contract or proposed contract.

- (4) The employee or official is not affiliated with the department, office or agency within the County that exercises authority over the entity or over the outside employer or is involved in contracts with the outside employer or entity.
 - (5) The employee or official has complied with other relevant sections of the Howard County Public Ethics Law relating to the matters involved.
 - (6) The employee's or official's financial interest in an outside entity or outside employment involves no substantive nonministerial duties which significantly relate to the County's authority over the outside employer or entity.
 - (7) The employee's or official's private compensation is not funded to any significant extent by the County contract(s).
 - (8) The employee's or official's specific employment circumstances do not otherwise raise a conflict of interest or appearance of conflict as contemplated by subsection 901(b) of the Howard County Charter and sections 22.201 and 22.204 of this subtitle.
- (d) *Decision.* Within 45 calendar days after the public hearing the Commission shall issue a written decision stating whether the requested outside employment or interest is authorized and giving the reasons for the decision.

(C.B. 50, 2011, § 1)

Sec. 22.206. - Financial disclosure statements.

- (a) This section applies to all elected officials, all candidates to be elected officials, all employees holding positions listed in subsection (b) of this section, all persons appointed to the boards and commissions listed in subsection (c) of this section, and certain high school members of boards and commissions.
- (b) This section applies to the following County employees:
 - (1) All executive exempt positions as listed in section 1.306 "Executive Exempt" of the Howard County Code;
 - (2) All employees authorized to draft specifications for, negotiate or execute a contract which commits the County or any of its boards, agencies or departments to expend in excess of \$2,500.00; and
 - (3) All employees in a managerial or policy-making positions as determined by the commission upon recommendation of their department or agency head. In making such a recommendation, the department or agency head shall consider such factors as the employee's responsibility for decision making and policy recommendation in the areas of contracting, procurement, administration and/or monitoring of grants and subsidies, planning or zoning, inspecting, licensing, regulating, auditing and budgeting; and
- (c) This section applies to members of the following boards and commissions:
 - (1) Board of Appeals;
 - (2) Planning Board;
 - (3) Recreation and Parks Board;
 - (4) Public Works Board;
 - (5) Ethics Commission;
 - (6) Housing and Community Development Board;
 - (7) Agricultural Preservation Board;
 - (8) Equal Business Opportunity Commission;

- (9) Historic Preservation Commission;
- (10) Board of Library Trustees;
- (11) Howard County Housing Commission;
- (12) Economic Development Authority Board;
- (13) Howard County Pension Oversight Commission;
- (14) Local Behavioral Health Advisory Board;
- (15) Howard County Alcoholic Beverage Hearing Board;
- (16) Howard County Revenue Authority Board;
- (17) Design Advisory Panel;
- (18) Animal Matters Hearing Board;
- (19) Advisory Board on Consumer Protection;
- (20) Board of Electrical Examiners;
- (21) Board of Health; and
- (22) Human Rights Commission.

(d) This section shall apply to high school members of boards and commissions as follows:

- (1) A high school student member of a board or commission listed in subsection (c) of this section shall file a statement of financial interest on a form that the Commission provides.
- (2) The high school student member statement shall only include the following information regarding interests that may create a conflict between the student member's personal interests and the individual's duties as a board or commission member:
 - (i) A schedule of sources of earned income of the high school student member and of the member's parent(s) or legal guardian(s) that exceed \$100.00, including the name and address of each place of salaried employment and of each business entity solely or partially owned and from where income was earned. Where the source of income is an attorney-client or a physician/psychiatrist/psychologist-patient relationship, the names of individual clients or patients need not be disclosed;
 - (ii) A schedule of each gift in excess of \$20.00 in value (or an aggregate of \$100.00 from any one person) directly or indirectly from a person(s) who does business with Howard County. This schedule as to each such gift, shall include:
 - a. The nature and value of the gift; and
 - b. The identity of the person from whom, directly or indirectly, the gift was received;
 - c. For purposes of this subsection, gift does not include:
 - i. Ceremonial gifts or awards of insignificant monetary value; or
 - ii. Unsolicited gifts of nominal value or trivial items of informational value; and
 - (iii) A list of family members employed by the County in accordance with subsection (j)(7) of this section; and

(e) Except as provided in subsection (g) of this section, an elected official, employee, appointee to a board or commission, or candidate to be an elected official shall file the financial disclosure statement required under this subsection:

- (1) On a form provided by the Commission;
- (2) Under oath or affirmation;

- (3) With the Commission; and
 - (4) The Commission may require that a financial disclosure statement be submitted through an electronic process for which the oath or affirmation shall be made by an electronic signature that:
 - (i) Is attached to and made part of the financial disclosure statement;
 - (ii) Is made expressly under the penalties of perjury; and
 - (iii) Subjects the individual making the signature to the penalties of perjury to the same extent as an oath or affirmation before an individual authorized to administer oaths.
- (f) *Deadlines for Filing Statements.*
- (1) An incumbent official or employee shall file a financial disclosure statement annually no later than April 30th of each year for the preceding calendar year.
 - (2) An official or employee who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within 30 days after appointment.
 - (3)
 - (i) An individual who, other than by reasons of death, leaves an office for which a statement is required shall file a statement upon resignation or termination of office.
 - (ii) The statement shall cover:
 - a. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - b. The portion of the current calendar year during which the individual held the office.
- (g) *Candidates to be Elected Officials.*
- (1) Except an official or employee who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
 - (2)
 - (i) A candidate to be an elected official shall file a statement required under this section:
 - a. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - b. In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - c. In all other years for which a statement is required, on or before April 30.
 - (ii) The initial financial disclosure statement shall include the preceding calendar year through the date of the certificate of candidacy filed with the Board of Elections for Howard County.
 - (3) A candidate to be an elected official:
 - (i) May file the statement required under subsection (g)(2)(i) of this section with the County Board of Elections with the certificate of candidacy or with the Commission prior to filing the certificate of candidacy; and
 - (ii) Shall file the statements required under subsections (g)(2)(ii) and (iii) of this section with the Commission.
 - (4) If a candidate fails to file a statement required by this section after written notice is provided by the County Board of Elections at least 20 days before the last day for the withdrawal of candidacy, the candidate is deemed to have withdrawn the candidacy.
 - (5) The County Board of Elections may not accept any certificate of candidacy unless a statement required under this section has been filed in proper form.

- (6) Within 30 days of the receipt of a statement required under this section, the County Board of Elections shall forward the statement to the Commission, or an office designated by the Commission.
- (h) *Public Record.*
- (1) The Commission, or an office designated by the Commission, shall maintain all financial disclosure statements filed under this section.
 - (2) The Commission, or an office designated by the Commission, shall make financial disclosure statements available during normal office hours, for examination and copying by the public subject to reasonable fees and administrative procedures established by the County.
 - (3) The Commission shall redact an individual's home address before allowing the public to see a disclosure statement.
 - (4) If an individual examines or copies a financial disclosure statement, the Commission or the office designated by the Commission shall record:
 - (i) The name and home address of the individual reviewing or copying the statement; and
 - (ii) The name of the person whose financial disclosure statement was examined or copied.
 - (5) The Commission, or the office designated by the Commission, shall provide the official or employee with a copy of the name and home address of the person who reviewed the official's or employee's financial disclosure statement.
 - (6) A financial disclosure statement required by this subtitle shall not be used in any way for, or be made available for commercial purposes.
- (i) *Retention Requirements.* The Commission, or the office designated by the Commission, shall retain financial disclosure statements for the longer of:
- (1) Four years after receipt; or
 - (2) If the person is an elected official, the entirety of the person's term.
- (j) *Contents of Statement.* Employees and elected officials shall disclose all the information required by this subsection. Members of boards and commissions listed in subsection (c) of this section shall disclose the information required by this subsection only with respect to those interests, gifts, compensated positions, and liabilities that may create a conflict, as prohibited by section 22.204 of this subtitle, between the member's personal interests and the member's official local duties as a board or Commission member.
- (1) *Interests in real property.*
 - (i) A statement filed under this section shall include a schedule of all interests in real property wherever located.
 - (ii) For each interest in real property, the schedule shall include:
 - a. The nature of the property and the location by street address, mailing address, or legal description of the property;
 - b. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - c. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - d. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - e. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the

consideration received for the interest, and the identity of the person to whom the interest was transferred; and

f. The identity of any other person with an interest in the property.

(2) Interests in corporations and partnerships.

- (i) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the County.
- (ii) For each interest reported under this paragraph, the schedule shall include:
 - a. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - b. The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 - c. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest and, if known, the identity of the person to whom the interest was transferred;
 - d. With respect to any interest acquired during the reporting period:
 - 1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - 2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (iii) An individual may satisfy the requirement to report the amount of the interest held under item (ii)(b) of this paragraph by reporting, instead of a dollar amount:
 - a. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 - b. For an equity interest in a partnership, the percentage of equity interest held.

(3) Interests in business entities doing business with the County.

- (i) A statement filed under this section shall include a schedule of all interests in any business entity that does business with the County, other than interests reported under paragraph (2) of this subsection.
- (ii) For each interest reported under this paragraph, the schedule shall include:
 - a. The name and address of the principal office of the business entity;
 - b. The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
 - c. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest and, if known, the identity of the person to whom the interest was transferred; and
 - d. With respect to any interest acquired during the reporting period:
 - 1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(4) Gifts.

- (i) A statement filed under this section shall include a schedule of each gift in excess of \$20.00 in value or a series of gifts totaling \$100.00 or more received during the reporting period from or on behalf of, directly or indirectly, any one person who does business with the County.
- (ii) For each gift reported, the schedule shall include:
 - a. A description of the nature and value of the gift; and
 - b. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) Employment with or interests in entities doing business with the County.

- (i) A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the County.
- (ii) For each position reported under this paragraph, the schedule shall include:
 - a. The name and address of the principal office of the business entity;
 - b. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 - c. The name of each County agency with which the entity is involved as indicated by identifying one or more of the three categories of "doing business", as defined in section 22.202 of this subtitle.

(6) Indebtedness to entities doing business with the County.

- (i) A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons doing business with the County owed at any time during the reporting period:
 - a. By the individual; or
 - b. By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
- (ii) For each liability reported under this paragraph, the schedule shall include:
 - a. The identity of the person to whom the liability was owed and the date the liability was incurred;
 - b. The amount of the liability owed as of the end of the reporting period;
 - c. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 - d. The security given, if any, for the liability.

(7) Employment with the County. A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the County in any capacity at any time during the reporting period.

(8) Sources of earned income.

- (i) A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member

of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.

- (ii) Notwithstanding item (i) of this paragraph, the schedule need not disclose:
 - a. A minor child's employment or business ownership, if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child; or
 - b. The names of individual clients or patients, where the source of income is an attorney-client or a physician/psychiatrist/psychologist-patient relationship.
 - (iii) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the County, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
- (9) Additional information. A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
- (k) For the purposes of subsections (j)(1), (2) and (3) of this section, the following interests are considered to be the interests of the individual making the statement:
- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - (2) An interest held by a business entity in which the individual held a 30 percent or greater interest at any time during the reporting period.
 - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
 - (i) The individual held a reversionary interest or was a beneficiary, or
 - (ii) If a revocable trust, the individual was a settlor.
- (l) (1) The Commission shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
- (2) If, after notification by the Commission of any omission or deficiency, an individual does not cure such within 30 days, the Commission shall refer evidence of any noncompliance with this section to the County Solicitor for appropriate action.
- (3) The Commission may take appropriate enforcement action to ensure compliance with this section.
- (m) *Incomplete Information.* When the individual required to file is unable to obtain the information needed to complete the schedules required by this section, the individual shall report the unavailability of certain information and shall provide a written statement of the efforts made to obtain the information. The Commission shall conduct an investigation to determine if the individual has used due diligence in attempting to obtain the missing information and whether, considering the circumstances, the omission of the material is justified. In making this determination, the Commission shall request and consider the opinion of the County Solicitor. The Solicitor's opinion and the report of the Commission shall be made part of the statement of the person required to file.

(C.B. 50, 2011, § 1; C.B. 5, 2015, § 1; C.B. 12, 2016, § 1; C.B. 13, 2018, § 1; C.B. 44, 2018, § 1; C.B. 63, 2018, § 1)

Sec. 22.207. - Lobbying.

- (a) Except as provided in subsections (b) and (c) of this section, a person or entity who engages in lobbying as defined in section 22.202 of this subtitle shall file a lobbying registration with the Commission if the person or entity, during the calendar year:
- (1) Expends, exclusive of personal travel and subsistence expenses, in excess of \$100.00 in furtherance of this activity; or
 - (2) Is compensated in excess of \$500.00 in connection with this activity.
- (b) The following activities are exempt from regulation under this section:
- (1) Professional services in drafting bills or in advising and rendering opinions to clients as to the construction and effect of proposed or pending County Council actions when these services do not otherwise constitute lobbying activities;
 - (2) Appearances before the County Council upon its specific invitation or request if the person or entity engages in no further or other activities in connection with the passage or defeat of County Council actions;
 - (3) Appearances before a County agency upon the specific invitation or request of the agency if the person or entity engages in no further or other activities in connection with the passage or defeat of any agency executive action;
 - (4) Appearance as part of the official duties of a duly elected or appointed official or employee of the state or a political subdivision of the state, or of the united states, and not on behalf of any other entity;
 - (5) Actions of a publisher or working member of the press, radio, or television in the ordinary course of the business of disseminating news or making editorial comment to the general public who does not engage in further or other lobbying that would directly and specifically benefit the economic, business, or professional interests of the person or entity or the employer of the person or entity;
 - (6) Appearances by an individual before the County Council at the specific invitation or request of a registered lobbyist if the person performs no other lobbying act and notifies the County Council that the person or entity is testifying at the request of the lobbyist;
 - (7) Appearances by an individual before a government agency at the specific invitation or request of a registered lobbyist if the person or entity performs no other lobbying act and notifies agency that the person or entity is testifying at the request of the lobbyist;
 - (8) The representation of a bona fide religious organization solely for the purpose of protecting the right of its own members to practice the doctrine of the organization; and
 - (9) Appearance as part of the official duties of an officer, director, member, or employee of an association engaged exclusively in lobbying for counties and municipalities and not on behalf of any other entity.
- (c) *Limited Exemption—Employer of a Lobbyist.*
- (1) A person or entity who compensates one or more lobbyists and who would otherwise be required to register as a lobbyist is not required to file a registration and submit lobbying reports if the person or entity reasonably believes that all expenses incurred in connection with the lobbying activities will be reported by a properly registered person or entity acting on behalf of the person or entity.
 - (2) A person or entity exempted under this subsection becomes subject to this section immediately upon failure of the lobbyist to report any information required under this section.
- (d) (1) The registration filed under this section shall be filed on or before the latter of the beginning of the calendar year in which the person or entity expects to lobby and within five days of first engaging in lobbying activities in the calendar year.
- (2) The registration filed under this section:

- (i) Shall be dated and on a form developed by the Commission;
 - (ii) Shall include:
 - a. The lobbyist's full and legal name and permanent address;
 - b. The name, address, and nature of business of any person or entity on whose behalf the lobbyist acts;
 - c. The written authorization of any person or entity on whose behalf the lobbyist acts or an authorized officer or agent, who is not the lobbyist, of the person or entity on whose behalf the lobbyist acts;
 - (iii) A statement of whether the person or entity on whose behalf the lobbyist acts is exempt from registration under subsection (c) of this section;
 - (iv) The identification, by formal designation, if known, of matters on which the lobbyist expects to act;
 - (v) Identification of the period of time within a single calendar year during which the lobbyist is authorized to engage in these activities, unless terminated sooner; and
 - (vi) The full legal signature of the lobbyist and, when appropriate, the person or entity on whose behalf the lobbyist acts or an agent or authorized officer of the person or entity on whose behalf the lobbyist acts.
- (e) A lobbyist shall file a separate registration for each person or entity that has engaged or employed the lobbyist for lobbying purposes.
- (f) A lobbyist may terminate the lobbyist's registration by providing written notice to the Commission and submitting all outstanding reports and registrations.
- (g) A person or entity may not engage in lobbying activities on behalf of another person or entity for compensation that is contingent upon the passage or defeat of any action by the County Council or the outcome of any executive action.
- (h) *Activity Report.*
- (1) A lobbyist shall file with the Commission or the office designated by the Commission:
 - (i) By July 31, one report concerning the lobbyist's lobbying activities covering the period beginning January 1 through June 30; and
 - (ii) By January 31, one report covering the period beginning July 1 through December 31.
 - (2) A lobbyist shall file a separate activity report for each person or entity on whose behalf the lobbyist acts.
 - (3) If the lobbyist is not an individual, an authorized officer or agent of the entity shall sign the form.
 - (4) The report shall include:
 - (i) A complete and current statement of the information required to be supplied with the lobbyist's registration form.
 - (ii) Total expenditures on lobbying activities in each of the following categories:
 - a. Total compensation paid to the lobbyist not including expenses reported under items (b)—(i) of this subparagraph;
 - b. Office expenses of the lobbyist;
 - c. Professional and technical research and assistance not reported in item (i) of this subparagraph;
 - d. Publications which expressly encourage persons to communicate with County officials or employees;

- e. Names of witnesses, and the fees and expenses paid to each witness;
- f. Meals and beverages for County officials and employees;
- g. Reasonable expenses for food, lodging, and scheduled entertainment of County officials or employees for a meeting which is given in return for participation in a panel or speaking engagement at the meeting;
- h. Other gifts to or for County officials or employees or their spouses or dependent children; and
- i. Other expenses.

(5) For reporting purposes, a prorated amount shall be labeled as such.

(i) *Special Gift Report.*

(1) (i) With the six-month activity report required under subsection (h) of this section, a lobbyist shall report, except for gifts reported in item (h)(4)(ii)g. of this section, gifts from the lobbyist with a cumulative value of \$75.00 or more during the reporting period to an official, employee, or member of the immediate family of an official or employee.

(ii) The lobbyist shall report gifts under this paragraph regardless of whether the gift was given in connection with lobbying activities.

(2) The report shall include the date, beneficiary, amount or value, and nature of the gift.

(j) *Notification to Official and Confidentiality.*

(1) If any report filed under this section contains the name of an official or employee or a member of the immediate family of an official or employee, the Commission shall notify the official or employee within 30 days.

(2) The Commission shall keep the report confidential for 60 days following receipt by the Commission.

(3) Within 30 days of the notice required under paragraph (1) of this subsection, the official or employee may file a written exception to the inclusion in the report of the name of the official, employee, or member of the immediate family of the official or employee.

(k) The Commission may require a lobbyist to submit other reports the Commission determines to be necessary.

(l) The Commission, or an office designated by the Commission, shall maintain all registrations and reports filed under this section.

(m) (1) The Commission shall review the registrations and reports filed under this section for compliance with this section and shall notify persons engaging in lobbying activities of any omissions or deficiencies.

(2) The Commission may take appropriate enforcement action to ensure compliance with this section.

(n) *Annual Report.*

(1) The Commission shall compute and make available a subtotal under each of the ten required categories in subparagraph (h)(4)(ii) of this section.

(2) The Commission shall compute and make available the total amount reported by all lobbyists for their lobbying activities during the reporting period.

(o) The Commission shall make lobbying registrations and reports available during normal business hours for examination and copying subject to reasonable fees and procedures established by the Commission.

(C.B. 50, 2011, § 1)

Sec. 22.208. - Enforcement.

- (a) (1) Upon a finding of a violation of any provision of this subtitle, the Commission may:
 - (i) Issue an order of compliance directing the respondent to cease and desist from the violation;
 - (ii) Issue a reprimand; or
 - (iii) Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.
- (2) If the Commission finds that a respondent has violated lobbying provisions set forth in section 22.206 and section 22.207 of this subtitle, the Commission may:
 - (i) Require a respondent who is a registered lobbyist to file any additional reports or information that reasonably related to the information that is required under section 22.207 of this subtitle;
 - (ii) Impose a fine not exceeding \$1,000.00 for each violation; and
 - (iii) Suspend the registration of an individual registered lobbyist if the Commission finds that the lobbyist has knowingly and willfully violated section 22.207 of this subtitle or has been convicted of a criminal offense arising from lobbying activities.
- (b) (1) Upon request of the Commission, the County Solicitor may file a petition for injunctive or other relief in the Circuit Court of Howard County, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this subtitle.
- (2) (i) The court may:
 - a. Issue an order to cease and desist from the violation;
 - b. Except as provided in subparagraph (ii) of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this subtitle when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within 90 days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
 - c. Impose a fine of up to \$1,000.00 for any violation of the provisions of this subtitle, with each day upon which the violation occurs constituting a separate offense;
- (ii) A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- (c) (1) Any person who knowingly and willfully violates the provisions of section 22.207 of this subtitle is guilty of a misdemeanor, and upon conviction, is subject to a fine of not more than \$1,000.00 or imprisonment for not more than six months, or both.
- (2) If the person is a business entity and not a natural person, each officer and partner of the business entity who knowingly authorized or participated in the violation is guilty of a misdemeanor and, upon conviction, is subject to the same penalties as the business entity.
- (d) In addition to any other enforcement provisions in this subtitle, a person who the Commission or a court finds has violated this subtitle:
 - (1) Is subject to termination or other disciplinary action; and
 - (2) May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the commission or a court.

- (e) (1) A person who is subject to the provisions of this subtitle shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to complete and substantiate a report, statement, or record required under this subtitle for three years from the date of filing the report, statement, or record.
- (2) These papers and documents shall be available for inspection upon request by the Commission or the County Council after reasonable notice.
- (f) In addition to any other enforcement provisions in this subtitle, a person who is found guilty of a violation of section 22.204 of this subtitle is subject to forfeiture of office in accordance with section 901(c) of the Howard County Charter.
- (g) Any contract made in violation of section 22.204 of this subtitle may be declared void by the County Executive or by resolution of the County Council in accordance with section 901(c) of the Howard County Charter.

(C.B. 50, 2011, § 1)

Sec. 22.209. - Severability.

If any section, sentence, clause or phrase of this subtitle is held invalid or unconstitutional by any court or competent jurisdiction, the ruling shall not affect the validity of the remaining portions of this subtitle.

(C.B. 50, 2011, § 1)

SUBTITLE 3. - DISCLOSURE OF INTEREST BY PERSONS DOING BUSINESS WITH HOWARD COUNTY¹³¹

Footnotes:

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State Law reference— Special provisions for Howard County, State Government article, § 15-848 et seq.

Sec. 22.300. - Disclosure of interest by persons doing business with Howard County.

In order to promote public confidence in local government, all persons doing business with Howard County shall be required to make affidavit of compliance with the conflict of interest provisions of section 901 of the Howard County Charter.

(C.B. 74, 1973; C.B. 25, 1974)

Sec. 22.301. - Definitions.

When used in this subtitle:

- (a) *Person* includes any natural person, corporation, general or limited partnership, trust, unincorporated association, joint venture, organization, entity or enterprise.
- (b) *Business with Howard County* means anyone or any combination of sales, purchases, leases, contracts and awards to, from or with Howard County, or any agency, office or department thereof, and shall include:

- (1) All supplies, materials, equipment and contractual services contracted for or procured by purchase orders or other procedures established by title 4, "contracts and purchasing," of this Code, except for small purchases in an amount less than \$50.00.
 - (2) Any and all contracts entered into for professional services with any consultants whose services by their nature are unique and not subject to competitive bidding.
 - (3) All construction contracts providing for the alteration and/or maintenance of buildings, utilities, roads and any other improvements.
 - (4) All contracts for the purchase of land in fee simple.
 - (5) The award or grant of any franchise, liquor license or zoning application.
 - (6) The issuance of any developer's agreement.
- (c) *Affidavit* as to procurement of supplies, materials, equipment, services, land, and construction contracts, licenses, franchises, awards, developer's agreements or zoning changes shall be the following statement: "The undersigned does hereby declare that neither he nor any representative of his firm has provided, offered to provide, or will subsequently provide to any officer or employee of Howard County, whether elected or appointed, any benefits, monetary, or material consideration from the profits or emoluments of this contract, job, work or service for the County; and that no officer or employee has accepted or received or will receive in the future any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally; nor has any such officer or employee of the County received or will receive, directly or indirectly, any part of any fee, commission or other compensation paid or payable by the County in connection with this contract, job, work or service for the County, excepting, however, the receipt of dividends on corporation stock. I/we do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information and belief."
- (d) *Affidavit* as to application or petition for licenses, franchises, awards, developer's agreements or zoning changes: "The undersigned does hereby declare that neither he nor any representative of his firm has provided, offered to provide, or will subsequently provide to any officer or employee of Howard County, whether elected or appointed, any monetary or material consideration, any service or thing of value, directly or indirectly, upon more favorable terms than those granted to the public generally in connection with the submission, processing, issuance, grant or award of the within application or petition for a license, franchise, award, developer's agreement or zoning change. I/we do solemnly declare and affirm under the penalties of perjury that the contents of the foregoing affidavit are true and correct to the best of my/our knowledge, information and belief."
- (e) *Monetary or material consideration* means any gift of more than \$25.00 in value or any transfer of any property below fair market value, or any paid travel or vacation, or the securing or paying of any debt on behalf of any County official, appointed board or commission member, or County employee, or member of any of the immediate family of any of the aforementioned.

(C.B. 74, 1973; C.B. 25, 1974)

Sec. 22.302. - Applicability and form of compliance.

- (a) Any person doing business with Howard County shall be required to comply with the requirement of execution of the affidavit set forth in subsection 22.301(c) in the manner deemed appropriate by the County Administrator.
- (b) The County Administrator shall cause the affidavit to be included and incorporated into the following named-form and shall require the execution thereof as part of the execution and completion of the following named forms by the person doing business with Howard County:
 - (1) Purchase order.

- (2) Developer's agreement.
- (c) The County Administrator shall cause the affidavit to be prepared as a separate document in order that the affidavit can be executed simultaneously with the execution of the contract document entered into with Howard County involving:
 - (1) Consultant services of any type, as defined in subsection 22.301(b)(2).
 - (2) Construction or utility contracts awarded under public bidding procedures, as defined in subsection 22.301(b)(1).
 - (3) Purchase or sale of land in fee simple.
 - (4) Grant or award of any franchise.
- (d) The Secretary of the County Council shall cause the affidavit to be prepared and submitted with any application submitted in connection with zoning and any application submitted regarding the issuance of any liquor license.

(C.B. 74, 1973; C.B. 25, 1974)

Sec. 22.303. - Penalties for violations.

Any person found to be in violation of any of the prohibitions set forth herein or in the County Charter, or to have made a false affidavit, shall be barred from doing business with Howard County, or any department receiving funds appropriated by the County Council, for a period of ten years. This section shall not be construed as limiting or restricting any judicial remedies available to the County.

Any person who has been awarded a contract or purchase order and has been found to be in violation of the prohibitions set forth herein and/or to have made a false affidavit may be found in default, and the contract may be terminated by Howard County.

It is not the intent of this subtitle to prohibit the County from doing business with firms or persons in which a County official, members of an appointed board or commission, or employee also hold positions of trust; however, such information must be disclosed and be on file in accordance with the requirements of section 901 of the Charter.

(C.B. 74, 1973; C.B. 25, 1974)

Sec. 22.304. - Severability.

The provisions of this subtitle are severable and if any provisions, sentence, clause, section or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or part of the subtitle or their application to other persons and circumstances. It is hereby declared to be the legislative intent that this subtitle would have been adopted if such illegal, invalid or unconstitutional provisions, sentence, clause, section or part had not been included therein, and if person or circumstances to which the subtitle or any part thereof if inapplicable had been specifically exempted therefrom.

(C.B. 74, 1973; C.B. 25, 1974)

SUBTITLE 4. - BUDGET PROCEDURES

Sec. 22.400A. - Office of Budget.

- (a) *Generally.* General provisions applicable to this office are set forth in subtitle 2, "administrative departments and offices," of title 6, "County Executive and the executive branch," of the Howard County Code.
- (b) *Head.* The Budget Administrator shall head the Office of Budget. The Office of Budget shall be under the general supervision of the Director of Administration.
- (c) *Qualifications of Budget Administrator.* The Budget Administrator shall have thorough knowledge of the principles and practices of public administration, including thorough knowledge of governmental budgeting methods, and the operational relationship between the budget function and the agencies of government. At the time of appointment, the Administrator shall have had at least five years of increasingly responsible public finance or budget experience, including three years of administrative experience.
- (d) *Duties and Responsibilities:*
 - (1) The Budget Administrator shall act, on behalf of the Chief Administrative Officer, as the chief budget officer of the County and as such shall prepare and submit to the Executive for approval and submission to the Council, all County budgets, prepared in the manner and form required by law.
 - (2) The Office of the Budget shall:
 - (i) Supervise the compilation of budget requests and the preparation of a statement of requests to the Chief Administrative Officer.
 - (ii) Supervise the preparation of statements showing revenue other than taxes, and the adjustment in tax rate necessary to compensate for the difference between miscellaneous revenue and the amount raised by taxation.
 - (iii) Prepare periodic reports on the efficiency and economy of County agencies.
 - (iv) Analyze complex budget requests and make recommendations to the Chief Administrative Officer.
 - (v) Supervise and participate in studies in the organization, methods and procedures of County agencies.
 - (vi) Participate in County Council budget hearings and explain budget requests.
 - (vii) Perform such other functions as may be prescribed by directive of the County Executive or by law.

(C.B. 62, 1988)

Sec. 22.400. - Howard Community College budget.

The Howard Community College budget shall be prepared and submitted annually at a time designated by the County Executive and in a format which clearly presents total expenditures and total proposed costs, to include but not limited to the following principal areas:

- (a) Academic programs (degree, associate degree, certificate).
- (b) Community service programs.
- (c) Any other primary areas.

(C.B. 71, 1973)

Sec. 22.401. - Submission of the capital budget for the Howard County public school system.

- (a) The capital budget for the Howard County public school system shall be submitted to the County Council in accordance to the following schedule:
 - (1) Initial submittal not later than the first of October in each year.
 - (2) Final submittal not later than the first of November in each year.
 - (3) First revision to the Planning Board not later than the first of March in each year.
- (b) The capital budget shall include but not be limited to:
 - (1) New construction projects.
 - (2) Remodeling projects.
 - (3) Renovation projects (cost above annual maintenance needs).
 - (4) Status previously approved but not completed projects.

(C.B. 70, 1973; C.B. 10, 1992)

Note— Formerly, § 22.420; renumbered § 22.401, by C.B. 10, 1992.

Sec. 22.402. - Definitions.

The following terms used in this subtitle have the meanings defined below:

- (a) *Capital budget* means the plan of the County to receive and expend funds for capital projects during the current fiscal year.
- (b) *Capital project* means:
 - (1) Any physical public improvement and any preliminary studies and surveys relative to the improvement.
 - (2) The acquisition of property of a permanent nature for public use.
 - (3) The purchase of equipment for any public betterment or improvement when first constructed.
- (c) *Capital program* means the plan of the County to receive and expend funds for capital projects during the first fiscal year covered by the capital budget and the next succeeding five fiscal years.
- (d) *Extended capital program* means the plan of the County to receive and expend funds for capital projects during the four fiscal years following the end of the capital program.
- (e) *Maryland Consolidated Transportation Program* means the State Consolidated Transportation Program as defined in the transportation article of the Annotated Code of Maryland.
- (f) *Maryland Capital Budget* means the plan of the State of Maryland to receive and expend funds for capital projects during the current fiscal year.

(C.B. 10, 1992)

Sec. 22.403. - Public notice of capital projects; public hearing by Planning Board.

- (a) *Planning Board Hearing on New Capital Projects and Capital Projects Substantially Modified in Scope.*
 - (1) The County Executive shall prepare a list of the new capital projects and capital projects substantially modified in scope that are included in the capital program and the extended capital program proposed by each agency of the County Government for Planning Board review

pursuant to subsection 1106(c) of the Howard County Charter. The Executive shall submit this list to the Planning Board concurrently with the agency proposals.

- (2) No later than 15 days after the capital program and the extended capital program proposed by each agency of the County Government is sent to the Planning Board for its review, the Planning Board shall hold a public hearing on the new capital projects and the capital projects substantially modified in scope which are included in the agencies' programs. The public hearing may, at the Planning Board's discretion, continue over several days.
- (b) *Notice of Public Hearing on New Capital Projects and Capital Projects Substantially Modified in Scope.*
- (1) The Planning Board shall advertise the public hearing on the new and substantially modified capital projects in the capital program and the extended capital program proposed by each agency of the County Government. The advertising shall include the time, date and place of the hearing, a brief description of each such project and a statement that copies of the capital program and the extended capital program containing greater detail about these projects are available for review in the Office of Planning and Zoning and in each branch of the Howard County Library.
 - (2) The Office of Planning and Zoning shall provide copies of the capital program and the extended capital program proposed by each agency of the County Government to the County library system.
 - (3) Advertising for the hearing shall include:
 - (i) Publication once a week for two successive weeks in at least one newspaper of general circulation in the County.
 - (ii) Posting the site of each such project (if owned by the County) and/or posting the right-of-way of the public road nearest to the site.
 - (iii) Mailing notices to village associations, neighborhood groups, civic associations and citizens who have requested the County Executive, the Director of Public Works, or the Director of Planning and Zoning to be placed on a central list to receive this and similar mailings.
- (c) *Consideration of Public Input.* In making its comments and recommendations on the impact of the proposed capital program and the extended capital program on the County general plan and the growth of the County, the Planning Board shall consider the testimony given at its public hearing.
- (d) *Public Notice of New Capital Projects and Capital Projects Substantially Modified in Scope That Are Included in the Capital Budget and the Capital Program and the Extended Capital Program Submitted by the County Executive.*
- (1) As soon as possible following the submission of the Executive's proposed capital budget and capital program and the extended capital program to the County Council, the Council shall give public notice of new capital projects and capital projects substantially modified in scope that are included in the Executive's proposed capital budget and capital program and the extended capital program. The notice shall consist of a brief description of each such project and a statement that copies of the Executive's capital budget and capital program and the extended capital program containing greater detail about these projects are available for review in the County Council Office, the Office of the County Administrator, and in each branch of the Howard County Library. The notice shall also give the time, date and place of the Council's public hearing on the Executive's proposed capital budget and capital program and the extended capital program.
 - (2) The Executive shall provide copies of the proposed capital budget and capital program and the extended capital program to the County library system.
 - (3) The notice shall be published once a week for two successive weeks in at least one newspaper of general circulation in the County; and mailings shall be sent to civil associations,

neighborhood groups and citizens who have requested the County Council, the County Executive, the Director of Public Works, or the Director of Planning and Zoning to be placed on a central list to receive such notices.

(C.B. 43, 1983; C.B. 10, 1992)

Note— Formerly § 22.414; renumbered § 22.403 by C.B. 10, 1992.

Sec. 22.404. - Contents of the capital budget and capital program and the extended capital program.

- (a) The capital budget and program summary shall include a "funding source summary" that shows:
 - (1) Prior appropriation by funding source;
 - (2) Budget request by funding source; and
 - (3) Each of the program years by funding source.
- (b) Each project class summary shall include:
 - (1) Prior appropriation by funding source;
 - (2) Budget request by funding source; and
 - (3) Each of the program years by funding source.
- (c) Each capital project shall be identified as a separate line item in the capital budget and the capital program and the extended capital program; shall be separately numbered; and shall set forth clearly the cost and fiscal year funding schedule of the capital project.
- (d) Each capital project that has previously received appropriations, but that is not yet completed, shall be separately identified in the capital budget and the capital program and the extended capital program and shall have set forth clearly the prior approved appropriation.
- (e) Subject to subsection (f) of this section, information relating to each capital project in the capital budget and the capital program and the extended capital program shall also include but shall not be limited to:
 - (1) A project description;
 - (2) A vicinity map showing location and extent of project;
 - (3) Scheduling of project phases and planned completion date;
 - (4) Each source of funding;
 - (5) The projected impact of the completed project on the current expense budget;
 - (6) Total expenditures and encumbrances for the project:
 - (i) Since inception through the end of February of the current year; and
 - (ii) Since inception through the end of February of the prior year;
 - (7) For multi-year recurring projects, an explanation of the proposed use of the funds for the upcoming fiscal year, including an identification of the known, planned, or potential facilities or uses to which the funds will be applied;
 - (8) For projects with prior approved or upcoming year funding, a description of any changes in:
 - (i) The name of the project since its inception;
 - (ii) The scope of the project from the prior year; and
 - (iii) The timing of the project from the prior year;

- (9) For projects with prior approved or upcoming year funding, an explanation for any changes in the total project cost from the prior year;
 - (10) Any amendments to the project that were previously adopted by ordinance;
 - (11) Previously approved and projected funding, showing any changes, for each fiscal year in the six-year capital program, and any changes in project totals by each source of funds; and
 - (12) For each project with funding proposed for the next fiscal year, except projects which include funding only for planning in the next or future fiscal years, the total cost estimate for the project from the time funding for engineering, construction, or any purpose other than planning was first budgeted or programmed.
- (f) Items (6)(ii), (8)(i), (10), (11) and (12) of subsection (e) of this section need not be included before Fiscal Year 2018.
 - (g) The information for capital projects required by subsection (e) of this section shall be a separate document and shall be approved as part of the annual budget and appropriation ordinance of Howard County approving the capital budget and as part of the resolution of the Council approving the capital program and the extended capital program as if the document were set out in full in the ordinance or resolution.
 - (h) Items (8)(i) and (12) of subsection (e) of this section shall apply only to projects that are new to the capital budget in Fiscal Year 2017 or later years.

(C.B. 69, 1973; C.B. 13, 1974; C.B. 14, 1983; C.B. 10, 1992; C.B. 54, 2015, § 1)

Note— Formerly, § 22.415; renumbered, § 22.404 by C.B. 10, 1992.

Sec. 22.405. - Capital improvement master plans.

(a) *Definitions.*

Capital improvement master plan (C.I.M.P.) is a plan adopted by the County Council which indicates the capital improvements for a particular type of County service to be constructed during the next ten years in order to support the housing and employment growth projections of the County's general plan. Capital improvement master plans are updated annually. Capital improvement master plans include the projects listed in:

- (1) The Howard County Capital Budget and Capital Program and Extended Capital Program;
 - (2) The Maryland Capital Budget; and
 - (3) The Maryland Consolidated Transportation Program.
- (b) *Consistency.* Capital improvement master plans shall be consistent with the general plan, with one another, and with the requirements of State law for master plans.
 - (c) *Types of Plans—Agency Responsible for Preparation.* There shall be C.I.M.P.'s for education, transportation, water and sewer and solid waste disposal and for other governmental functions as provided by law. Primary responsibility for preparation and updating of specific C.I.M.P.'s lies with the agency listed below. However, agencies preparing a C.I.M.P. shall consult with other agencies as appropriate.
 - (1) The C.I.M.P. for Education shall be prepared by the Department of Education.
 - (2) The C.I.M.P. for Transportation shall be prepared jointly by the Department of Public Works and the Department of Planning and Zoning.
 - (3) The C.I.M.P. for Water and Sewer shall be prepared by the Department of Public Works.
 - (4) The C.I.M.P. for Solid Waste Disposal shall be prepared by the Department of Public Works.

- (d) *Content of C.I.M.P.'s.* Each C.I.M.P. shall include:
- (1) Planning assumptions consistent with the general plan.
 - (2) For the next fiscal year and for the following nine fiscal years:
 - (i) Growth projection targets (numbers of new residences, number of new employees).
 - (ii) Justifications for and descriptions of capital projects needed to serve the growth projection targets.
 - (iii) Level of service standards.
 - (iv) Funds required to fund the needed capital projects.
- (e) *Process for Initial Adoption:*
- (1) *Review by Planning Board.* Upon submission of a C.I.M.P. from the agency responsible for its preparation, the Planning Board shall set a date for a public hearing on the C.I.M.P. It shall give at least 30 days' notice of the time, date, and place of the hearing.

Within 30 days after the public hearing, the Planning Board shall make its recommendations regarding consistency of the C.I.M.P. with the general plan and forward the recommendations to the agency(ies) which prepared the C.I.M.P.
 - (2) *Submission to County Council:*
 - (i) *C.I.M.P. for Education.* After consideration of the Planning Board's recommendations, the Board of Education shall send the C.I.M.P. to the County Council for approval by resolution. If not all the Planning Board's recommendations are incorporated into the C.I.M.P. submitted to the County Council, the Board of Education shall concurrently send the County Council the Board's reasons for not incorporating the Planning Board's recommendations.
 - (ii) *All other C.I.M.P.'s.* After consideration of the Planning Board's recommendations, the agency(ies), other than the Board of Education, responsible for preparing the C.I.M.P. shall send the C.I.M.P. to the County Executive. If not all the Planning Board's recommendations are incorporated into the C.I.M.P. submitted to the County Executive, the agency(ies) responsible for preparing the C.I.M.P. shall concurrently send the County Executive the agency(ies) reasons for not incorporating the Planning Board's recommendations.
The County Executive shall review the C.I.M.P., make changes he or she deems appropriate, and submit the C.I.M.P. to the County Council for approval by resolution.
- (f) *Updates of C.I.M.P.'s.* Updates to a C.I.M.P. shall be adopted in the same manner as the plan was originally adopted. The agency(ies) responsible for preparation of each C.I.M.P. shall review it each year and recommend updates as necessary based on such factors as:
- (1) The Howard County Capital Budget and Capital Programs and Extended Capital Program; the Maryland Capital Budget, and the Maryland Consolidated Transportation Program.
 - (2) Data derived from the development monitoring system.
 - (3) Adoption of a new general plan.
 - (4) Changes in comprehensive rezoning.
 - (5) Changes in service demands.
 - (6) Availability of services from nongovernmental sources.
 - (7) Changes in the economy.
 - (8) Changes to the rolling average (see section 16.1102, "the housing unit allocation concept," of the Howard County Code).

(C.B. 10, 1992)

Sec. 22.406. - Contents of the current expense budget.

The proposed current expense budget that the Executive submits to the County Council shall include, but is not limited to:

- (1) A comparative statement of the receipts and expenditures for the last completed fiscal year;
- (2) A comparative statement of authorized expenditures and revenues and estimated expenditures and revenues for the currently ending fiscal year;
- (3) For each department or other unit, which shall be classified by fund, fund center, and summary of expenditures by commitment:
 - (i) The actual expenditures from the previous fiscal year;
 - (ii) The appropriation for the current fiscal year;
 - (iii) The estimated expenditures for the current fiscal year; and
 - (iv) The expenditures recommended by the Executive for the ensuing fiscal year; and
- (4) Detailed departmental personnel summaries that include:
 - (i) The number of filled positions and the number of vacant positions approved in the current fiscal year's budget by classification title and pay grade; and
 - (ii) The number of filled positions and the number of vacant positions proposed in the upcoming fiscal year's budget by classification title and pay grade.

(C.B. 54, 2015, § 1)

Secs. 22.407—22.409. - Reserved.

Sec. 22.410. - Reserved.

Editor's note— C.B. 3, 1976 repealed § 22.410, pertaining to adoption of items prior to the annual budget submission, derived from C.B. 72, 1973.

SUBTITLE 5. - NOTICE^[4]

Footnotes:

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Editor's note— Before its complete revision by § 1 of C.B. 4, 1983, subtitle 5 was entitled "notice of challenge to validity of county charter or laws."

Sec. 22.500. - Requirement that County Solicitor be notified of any proceeding challenging the validity of County Charter or laws.

If the validity of any portion of the Howard County Charter, a Howard County law, or a Howard County franchise is challenged, the County Solicitor shall be furnished with a copy of the pleadings by the parties filing such action immediately after suit or appeal has been filed.

(C.B. 43, 1981; C.B. 4, 1983; C.B. 56, 1986)

Sec. 22.501. - Notice required by State law; notice of claim against County for injury.

When State law requires that notice of a claim against the County for injury to a person or his/her property be served upon the County Executive, the notice shall be given in person or by registered mail, restricted delivery, return receipt requested.

(C.B. 4, 1983; C.B. 56, 1986)

State Law reference— Local government tort claims, Ann. Code of Md., Courts and Judicial Proceedings article, § 5-301 et seq.

Sec. 22.502. - Service of law suits.

- (a) *Service on Howard County Government.* Service of a law suit naming Howard County, Maryland, and/or any of its various departments, citizen boards, or commissions or officers or employees as a party, shall be obtained by service upon the County Executive, or the Executive's designee, or the County Solicitor, in person or by registered mail, restricted delivery, return receipt requested.
- (b) *Service on the County Council.* Service of law suit naming the County Council as a party shall be obtained by service upon the Chairperson or the Executive Secretary of the County Council, in person or by registered mail, restricted delivery, return receipt requested.
- (c) *Service on Zoning Board, Board of License Commissioners or the Health Board.* Service of law suit naming the Zoning Board, the Board of License Commissioners, or the Health Board as a party shall be obtained by service upon the Chairperson of the respective board or the Executive Secretary of the County Council, in person or by registered mail, restricted deliver, return receipt requested.
- (d) *Service on Governmental Agency Which Has Entered into an Agreement with the Howard County Government for Pooled Risk Management Pursuant to Title 23 of the Howard County Code.* Service of a law suit naming a governmental agency which has entered into an agreement with the Howard County Government for pooled risk management pursuant to title 23 of the Howard County Code or its officers or employees shall be obtained by service upon the Executive officer of that agency or the officer's designee, in person or by registered mail, restricted delivery, return receipt requested.

(C.B. 4, 1983; C.B. 56, 1986)

Sec. 22.503. - Copies of pleadings for County Solicitor.

Whenever a law suit is filed against Howard County, Maryland, and/or any parties set forth in subsection 22.502 (a), (b), (c) or (d) above, the County Solicitor shall be furnished with a copy of the pleadings by the plaintiff(s) immediately after suit has been filed.

(C.B. 4, 1983; C.B. 56, 1986)

SUBTITLE 6. - FEES FOR INDUSTRIAL DEVELOPMENT REVENUE BONDS AND MARYLAND INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY LOANS OR BONDS^{6A}

Footnotes:

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Editor's note— C.B. 80, 1981, added subtitle 5, § 22.500, to title 22, which the editor has redesignated subtitle 6, § 22.600, inasmuch as C.B. 43, 1981, had previously added subtitle 5.

Sec. 22.600. - Fee schedule and collection.

- (a) Howard County shall collect a fee for each new or refunded industrial development revenue bond and each new or refunded Maryland Development Financing Authority loan or bond. The amount of the fee shall be set by resolution of the County Council and shall be reasonably related to Howard County's costs for the advertising, processing and review of the loan or bond.
- (b) The appropriate fee, as specified in subsection (a) above, shall be collected (except as provided in subsection (c) below) prior to the introduction of each industrial development revenue loan or bond issue ordinance or resolution or Maryland Industrial Development Financing Authority loan or bond resolution by the Howard County Director of Finance, who shall submit proof of payment to the Executive Secretary of the County Council.
- (c) The fee schedule set forth in subsection (a) above shall not apply and the fee, as specified in subsection (a) above, shall not be collected, for the advertising, processing and review of industrial development revenue bonds issued by the Maryland Industrial Development Financing Authority under its "Umbrella Program" or any similar program under which the Maryland Industrial Development Financing Authority issues and sells issues of its umbrella bonds, within which two or more series of permanent bonds are consolidated for purposes of marketing and sale. Actual costs incurred by Howard County, Maryland, for advertising such bonds shall be collected prior to the sale of such bonds.

(C.B. 80, 1981; C.B. 38, 1982; C.B. 21, 1983; C.B. 26, 1988; C.B. 75, 1988; C.B. 7, 1993)

SUBTITLE 7. - GRANTS

Sec. 22.700. - County authorized to award grants.

- (a) Howard County may award grants of funds or in-kind assistance to nonprofit agencies which provide services to County residents.
- (b) Grants are initiated when a nonprofit agency requests a grant to provide a certain service or when the County solicits nonprofit agencies to provide a certain service.
- (c) Grants may be funded with County funds or from designated private, State, regional, or Federal funds.

(C.B. 60, 1993)

Sec. 22.701. - Information to be provided.

Nonprofit agencies seeking a grant from Howard County shall submit information to the County department or office which will administer the grant in a format prescribed by that agency and shall include:

- (a) A general description of the nonprofit agency's membership and mission; a copy of its Charter and bylaws, a listing of its officers, Directors, and principal staff members; and evidence of its nonprofit status;
- (b) A description of the service the nonprofit agency proposes to provide with the grant, who will provide the service (staff and/or volunteers), where it will be provided, who will receive the service (target population), and how much it will cost to provide the service.

(C.B. 60, 1993)

Sec. 22.702. - Advisory Panel.

The County Executive may appoint an Ad Hoc Advisory Panel to review grant applications and to make recommendations to the County Executive regarding the amount and type of grants to be awarded. When appropriate, this committee may consist of the members of an existing County board or commission. No member of an ad hoc panel may receive any direct or indirect financial or personal benefit from any of the grant applications under consideration by the panel.

(C.B. 60, 1993)

Sec. 22.703. - Budgetary approval.

Grants may be awarded only to the extent provided in the annual budget. Where the grant is for longer than the current fiscal year, grants for subsequent fiscal years may be awarded only after the County Council has approved a multiyear agreement to fund the grant, pursuant to section 612 of the Howard County Charter.

(C.B. 60, 1993)

Sec. 22.704. - Grant agreement.

A grant shall not be made unless the nonprofit agency has executed a grant agreement with the County which sets forth:

- (a) The amount of the grant.
- (b) The service to be provided with the grant, where it will be provided, and who will receive the service (target population).
- (c) The type and format of the reports and records which the nonprofit agency will be required to keep in order to provide accountability and which will be subject to County audit.
- (d) Provisions to assure that there will be adequate public advertising and notification to potential recipients of the service.
- (e) Provisions to assure that the agency and the services provided will be in compliance with Federal, State and County laws and regulations, including conformity with the provisions of subtitle 2, "human rights," of title 12 of the Howard County Code.
- (f) Provisions to indemnify the County from any claims which might be made against the County as a result of the grant.
- (g) A requirement to provide the Department or office administering the grant with annual audit and/or program report on the agency's use of the grant during the County's previous fiscal year and, subject to section 22.1000 of the County Code, to send copies of the audit and/or program report to the County Executive and the County Council.

(C.B. 60, 1993; C.B. 43, 2018, § 1)

SUBTITLE 8. - GOVERNMENTAL TRANSPARENCY AND ACCESSIBLE DATA⁶¹

Footnotes:

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Editor's note— C.B. 32, 2014, § 2, added subtitle 8 to title 22 to read as herein set out. The absence of a history note indicates that the provision remains unchanged from the ordinance from which it originally derived.

Sec. 22.800. - Purpose; scope.

- (a) The purpose of this subtitle is to improve and maintain transparency and efficiency in government while addressing its goals of effective communication and collaboration within units and to deliver useful information to the public in an efficient manner, including through the provision of an intuitive and interactive web portal that also provides the public access to the information in usable and searchable formats.
- (b) Except as provided in section 22.806 of this subtitle or as determined by the Governmental Transparency Data Plan, this subtitle applies only to data created after this subtitle takes effect.
- (c) *Guiding principles.*
 - (1) All accessible data produced by or for a unit shall be made available without copyright, patent, trademark, or trade secret, or similar regulation other than reasonable privacy, security, and privilege restrictions.
 - (2) Accessible data shall be made available with the highest possible level of granularity in which it was developed by or for a unit.
 - (3) Accessible data shall be made available quickly to ensure usefulness to the public.
 - (4) Accessible data shall be available to the widest range of users for the widest range of purposes.
 - (5) To the extent practical, accessible data shall be structured to allow automated processing.
 - (6) Accessible data shall be available to anyone through the web portal, with no requirement of registration.
 - (7) Accessible data shall be available in non-proprietary or freely available formats and in accordance with any applicable open standard.
 - (8) Accessible data shall be published as soon as possible but no later than 30 days of when
action has been taken.

Sec. 22.801. - Definitions.

- (a)
 - (1) Data means the final version of information that is created or maintained for or by a unit, but may also include documents provided to a unit as determined by the governmental transparency and accessible data guidance document.
 - (2) Data includes, but is not limited to, documents, records, digital data, lists, tables, spreadsheets, graphs, charts, memoranda, minutes, manuals, and orders.
 - (3) Data includes key relevant statistical or factual information about an image file and geographic information system data that would aid in a search.
- (b) Facilitator means the Director of the Department of Technology and Communications Services.
- (c) Unit means a unit of County government that is under the authority of the County Executive or the County Council.

Sec. 22.802. - Inventory.

- (a) Each unit shall compile an inventory of:
 - (1) The data that the unit publishes to the internet; and

- (2) The types of data that the unit creates or is the custodian of but does not publish to the internet.
- (b) (1) On or before, December 1, 2014, and each year thereafter, each unit shall submit to the facilitator the inventory.
(2) The unit shall ensure that the inventory is complete, accurate, and up-to-date.
- (c) Each unit shall indicate for the items in the inventory:
 - (1) The items that the unit believes are of interest to the public;
 - (2) Any impediments to publication of the items to the internet; and
 - (3) The items that are confidential.
- (d) Subject to section 22.1000 of the County Code, each year the facilitator shall submit a combined inventory to the County Council and the County Executive.

(C.B. 43, 2018, § 1)

Sec. 22.803. - Portal.

- (a) The facilitator shall investigate options for a single web portal that would allow the public to locate and access the data that the County publishes to the internet.
- (b) On or before January 15, 2015, the facilitator shall recommend to the County Executive a plan to implement the portal and provide a report of that recommendation to the County Council.

Sec. 22.804. - Task force.

- (a) To carry out this subtitle, the facilitator must convene a task force.
- (b) The task force consists of:
 - (1) One member appointed by each member of the County Council;
 - (2) Members from the units that the facilitator believes should be represented; and
 - (3) Two representatives of the County Council.
- (c) The task force shall meet periodically to:
 - (1) Advise the facilitator, the County Executive, and the County Council;
 - (2) Study best practices;
 - (3) Ensure that units participate and comply with the purposes of this subtitle; and
 - (4) After reviewing the inventory, recommend items of interest to the public that should be published to the internet and their priority.
- (d) The task force shall issue a report on or before February 1, 2015, and periodically will meet thereafter until publication to the internet under the plan has begun.

Sec. 22.805. - Governmental transparency and accessible data plan and guidance document.

- (a) (1) On or before April 1, 2015, the facilitator shall submit to the County Executive and the County Council a plan for publishing to the internet the items that are of interest to the public.
(2) The plan shall:
 - (i) Include the inventory including the identification of significant data sets and documents of most interest to the public;
 - (ii) Evaluate the confidential or protected information that should not be included;

- (iii) Prioritize the data sets and documents to be published, with a suggested schedule of publication;
 - (iv) Assign data set and document owners who are to be accountable for publishing and updating;
 - (v) Establish guidelines for updating and retiring data sets and documents;
 - (vi) Make recommendation on historical document inclusion;
 - (vii) Define a schedule for approved historical document publication;
 - (vii) [(viii)] Define a process to evaluate future data sets and documents for publication;
 - (ix) Define an agency data security policy for publishing information;
 - (x) Provide for the selection of a software tool set to be used;
 - (xi) Recommend an initial and ongoing staffing plan; and
 - (xii) Provide a cost estimate of preparation, planning, implementation; and maintenance.
- (b) The plan shall include a guidance document that includes the items identified in the plan that will require review and updating. The guidance document shall be updated on December 15, 2016 and each _____ year thereafter.

Sec. 22.806. - Publication to the internet.

- (a) As soon as practical, but not later than July 1, 2016, the items identified in the plan as being of interest to the public must begin to be published to the internet.
- (b) This section does not apply to:
 - (1) Email, instant messages, correspondence, or similar exchanges;
 - (2) A governmental record that is required or permitted to be withheld from disclosure under any federal or State law, including the Maryland Public Information Act;
 - (3) Any document or data that is required to be confidential under County, State, or federal law;
 - (4) Any other document or data as determined by the Governmental Transparency Data Plan.
- (c) (1) Subject to paragraph (2) of this subsection, the items published under this section must be searchable.
- (2) Meta-data or tags must be provided for items that cannot be made searchable.

Sec. 22.807. - Citizens' Election Fund System—Donations.

- (a) The facilitator shall ensure that the County website includes a mechanism to accept donations to the Citizens' Election Fund.
- (b) The mechanism shall be prominently located on each appropriate County web page.

(C.B. 30, 2017, § 1)

SUBTITLE 9. - COMPUTATION OF TIME

Sec. 22.900. - Definitions.

For purposes of this subtitle, the following terms have the meanings indicated:

- (a) *Deadline* means the last day of any period of time by which any person or County department or agency is required to take some action.

(b) *Holiday* means the holidays designated by the County's Chief Administrative Officer and posted on the County's website.

(c) *Ordinary business hours* means 8 a.m. to 5 p.m. on Monday through Friday.

(C.B. 51, 2016, § 1)

Sec. 22.901. - Application.

This subtitle applies to any deadline established by this Code that exceeds seven days.

(C.B. 51, 2016, § 1)

Sec. 22.902. - Computation of time.

(a) *Beginning of the period of time*. In computing any period of time subject to this subtitle, the day of the act, event, or default, after which the designated period of time begins to run, is not to be included.

(b) *Deadline*. The deadline is to be computed as follows:

(1) If the last day is a Saturday, Sunday, or holiday, the deadline shall be the end of the next day, which is not a Saturday, Sunday, or holiday; or

(2) If the County office is not open on the last day of the period, or is closed for a part of a day, the deadline shall be the end of the next day which is:

(i) Not a Saturday, Sunday, or holiday; or

(ii) A day on which the County office is open the entire day during ordinary business hours.

(C.B. 51, 2016, § 1)

SUBTITLE 10. - REPORTS

Sec. 22.1000. - Reports to the County Council.

(a) *Scope*. This section applies to each report, study, publication, or other document that is distributed to or submitted to the County Council.

(b) *Electronic submission*. A document shall be sent electronically to:

(1) Each member of the County Council;

(2) The Council Administrator; and

(3) The County Auditor.

(b) *Format*. A document shall be sent as a searchable portable document format (PDF/A) file that meets the standards published for that file type by the International Organization for Standardization.

(C.B. 43, 2018, § 1)

TITLE 23 - RISK MANAGEMENT^[1]

Footnotes:

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Editor's note— Prior to its complete revision by C.B. 55, 1986, and C.B. 57, 1986, tit. 23 was entitled "Insurance," consisted of §§ 23.100, 23.200, and was derived from C.B. 38, 1980. New subtit. 1 and 2 were added by C.B. 57, 1986, and new subtit. 3—5 were added by C.B. 55, 1986.

SUBTITLE 1. - COMPREHENSIVE RISK MANAGEMENT PROGRAM

Sec. 23.100. - Authority to provide for comprehensive risk management program.

There shall be a comprehensive risk management program to compensate for injury or death of persons or damage to property resulting from the negligent or wrongful acts within the scope of their official duties of public officials, agents or employees of the County, to provide protection against physical loss or damage to property of the County and to provide for the defense of claims.

The comprehensive risk management program may include but is not limited to the following coverage:

- (a) Comprehensive general liability.
- (b) Property.
- (c) Boiler and machinery.
- (d) Workers' compensation.
- (e) Compulsory vehicular insurance required by title 17, subtitle 1 of the transportation article of the Annotated Code of Maryland.

(C.B. 57, 1986; C.B. 117, 1989; C.B. 65, 1995)

Sec. 23.101. - Purchased insurance or self-insurance.

The risk management program may be implemented by purchasing insurance coverage or by providing self-insurance or by combining the two, subject to Maryland law regarding the self-insuring of workers' compensation and compulsory vehicle insurance.

(C.B. 57, 1986; C.B. 65, 1995)

Sec. 23.102. - Cooperation with other governmental agencies.

(a) *Agreements for Pooled Comprehensive Risk Management:*

(1) *Governmental agency* means:

- (i) A public or quasi-public agency in Howard County created by State or local law, including, without limitation, the Howard County Board of Education, Howard County Volunteer Fire Corporations the Howard County Community College; the Howard County Board of Library trustees, the Howard County Housing Commission, the Howard County Economic Development Authority, and the Howard County Revenue Authority;
- (ii) Any nonprofit or nonstock corporation in Howard County that is exempt from taxation under subsection 501(c)(3) or(4) of the Internal Revenue Code and receives 50 percent or more of its annual operating budget from the State Government or the Government of Howard County.

A *governmental agency* includes its public officials, employees, agents, and volunteers.

- (2) *Authority to enter into agreements.* The County may cooperate with and enter into agreements with governmental agencies in order to provide comprehensive risk management in the most economical manner.
 - (3) *Coverage.* The comprehensive risk management program shall compensate for injury or death of persons or damage to property resulting from the negligent or wrongful acts within the scope of their official duties of public officials, agents, volunteers, or employees of the governmental agency, shall provide protection against physical loss or damage to property of the governmental agency, and shall provide for the defense of claims. An agreement may provide for some or all of the coverage include din the comprehensive risk management program established by the County.
- (b) *Length of Agreements—Cancellation.* Agreements for pooled comprehensive risk management shall expire at the end of each fiscal year. The County or the governmental agency shall give at least six months' notice of intent not to renew the agreement.

(C.B. 57, 1986; C.B. 51, 1990; C.B. 7, 1993; C.B. 65, 1995; C.B. 95, 1995; C.B. 53, 2008, § 1; C.B. 13, 2018, § 1)

Sec. 23.103. - Immunity.

No provision of this title shall constitute or be interpreted as a waiver of the right of the County or of an agency or of officers, employees or agents to raise the defense of sovereign or governmental immunity, or charitable immunity, or public official immunity or any other immunity or defense to which the County or agency or the officers, employees or agents are entitled.

(C.B. 55, 1986; C.B. 65, 1995)

SUBTITLE 2. - RISK MANAGEMENT FUND

Sec. 23.200. - Establishment of fund; funding; financial administration.

There is a risk management fund to implement the comprehensive risk management program.

The risk management fund shall be financed by annual contributions from the County and from each governmental agency which has entered into an agreement with the County for pooled comprehensive risk management. The annual contributions shall reflect the principles of incurred claims accounting and shall be computed by considering the premium cost, claim expense, operating expense, interest income and maintenance of a reserve fund. Accrued interest shall remain as part of the fund. Funds appropriated to the risk management fund shall be nonreverting. The Director of Finance shall be responsible for the financial administration of the fund.

(C.B. 57, 1986; C.B. 65, 1995)

Sec. 23.201. - Risk management program committee; membership.

There is a Risk Management Program Committee. Its permanent voting members shall be the Chief Administrative Officer, who shall be its Chairperson, the County Solicitor, the Director of Finance, and the representative of any governmental agency which pays annual contributions amounting to ten percent or more of the total annual contributions to the risk management fund. When a decision is being made regarding the defense or settlement of a legal action or the payment of a lawful judgment on behalf of a governmental agency which has entered into an agreement with Howard County for pooled comprehensive risk management, a representative of that governmental agency shall be a voting member of the Committee. All representatives of governmental agencies which have entered into

agreements with the County for pooled comprehensive risk management may have a representative participate as a nonvoting member of the Committee.

(C.B. 57, 1986; C.B. 117, 1989; C.B. 65, 1995; C.B. 17, 1996)

Sec. 23.202. - Duties of Risk Management Program Committee.

The Committee shall:

- (a) Set policy regarding the operation of the risk management fund.
- (b) Defend, compromise and pay claims asserted against the County or a governmental agency which has entered into an agreement with the County for pooled comprehensive risk management.
- (c) Provide protection against physical loss or damage to the property of the County or a governmental agency which has entered into an agreement with the County for pooled comprehensive risk management.
- (d) Employ actuaries, adjusters and other experts.
- (e) Provide for the direct and indirect expenses of legal representation and defense.
- (f) Adopt regulations.
- (g) Provide effective and efficient administration and operation of a comprehensive risk management program.

(C.B. 57, 1986; C.B. 65, 1995)

SUBTITLE 3. - DEFENSE OF ACTIONS AGAINST PUBLIC OFFICERS AND EMPLOYEES

Sec. 23.300. - Purpose.

The purpose of this subtitle is to define the role of County Government in the defense of its officers, agents and employees in legal actions related to their employment and in the defense of officers, agents and employees of governmental agencies which have entered into agreements with the County for pooled comprehensive risk management. This subtitle does not address the defense of actions against officers, agents and employees of the Howard County Board of Education or the Howard County Community College. Defense of actions against officers, agents and employees of those governmental agencies is addressed in subtitles 4 and 5 of this title.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.301. - Definitions.

Words and phrases used in this subtitle have their usual meanings, except that:

- (a) *Agency* includes:
 - (1) Any board, commission, department, office or institution of County Government; or
 - (2) Any board, commission, department, office or institution of any governmental entity within Howard County which has entered into an agreement with the Howard County Government for pooled comprehensive risk management pursuant to section 23.100 of the Howard County Code. *Agency* does not include the Howard County Board of Education nor the Howard County Community College.

(b) *Employee(s), agents and officer(s)* includes:

- (1) Current and former employee(s), agents and officer(s) of the Howard County Government; and
- (2) Current and former employee(s), agents and officer(s) of any governmental agency within Howard County which has entered into an agreement with the Howard County Government for pooled comprehensive risk management pursuant to subsection 23.100(b) of the Howard County Code. employee(s), agent(s) and officer(s) does not include current and former employee(s), agent(s) and officer(s) of the Howard County Board of Education nor of the Howard County Community College.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.302. - Reserved.

Editor's note— Formerly § 23.302; renumbered § 23.103 by C.B. 65, 1995.

Sec. 23.303. - Responsibility for authorizing defense; payment of judgment.

(a) *Defense:*

- (1) The Risk Management Program Committee shall authorize legal defense for current and past Howard County Executive(s) and Howard County Councilmembers for any claims arising from acts or omissions occurring in the performance of their official duties.
- (2) The Risk Management Program Committee shall provide legal counsel in a suit or claim brought against officers, agents and employees of Howard County, Maryland, or a governmental agency's officers, agents and employees for acts or omissions during the course of employment if the County Solicitor determines that the factual allegations show that:
 - a. The act or omission was within the scope of employment of the officers, agents and employees or in their official responsibilities for Howard County or the governmental agency; and
 - b. The officers, agents or employees were acting within their authorized official capacity.

(b) *Responsibility for Paying Judgment:*

- (1) *Compensatory damages; judgments for negligence.* The Risk Management Program Committee shall authorize the payment of judgments for compensatory damages up to the maximum limits of liability set forth in section 5-403 of the courts and judicial proceedings of the Annotated Code of Maryland against officers, agents or employees for damages resulting from tortious acts or omissions committed by the officers, agents or employees acting within the scope of their employment.
- (2) *County Solicitor determines no malice; jury finding of malice.* If the County Solicitor, pursuant to section 23.304 of the Howard County Code, determines that the officer, employee or agent was not acting with malice, the Risk Management Program Committee, with the approval of the County Executive, may pay an award of compensatory damages above the limits of liability set forth in subsection 5-403(a) and an award of punitive damages, notwithstanding the jury's finding of malice.
- (3) *Finding of malice; suit to collect from officer, agent or employee.* If the actions of the agent or employee are found by a court or a jury to have been malicious, the Risk Management Program Committee, with the approval of the County Executive, may authorize a suit against the officer, agent or employee to collect any damage award the County is required by law to pay.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.304. - Requirement for County Solicitor to provide defense.

- (a) *Initiation of Process.* The County Solicitor may become involved in the case upon written request of the officer, agent or employee, or to protect the interests of the County or an agency.
- (b) *Investigation.* Before undertaking the defense of an officer, agent or employee, the County Solicitor shall investigate the facts upon which the legal action or special proceeding is based to determine whether the officer's, agent's or employee's acts or omissions were within the scope of his/her employment and whether they were malicious.
- (c) *Approval Required.* Based upon the results of the investigation and the recommendations of the Risk Management Program Committee, the County Executive may authorize the County Solicitor to defend officers, agents and employees. The County Solicitor may not defend officers, agents and employees without the approval of the County Executive.
- (d) *Investigation and Defense May Be Delegated.* The County Solicitor may delegate the investigation and defense to an assistant County Solicitor or to outside counsel. In a criminal case, the County Solicitor shall appoint outside counsel.
- (e) *Costs of Outside Counsel.* The County Solicitor may employ outside counsel if the solicitor determines that it is impracticable or uneconomical for the County Solicitor or an assistant County Solicitor to provide the legal services or that the County Solicitor would have an actual or potential conflict of interest in providing these services. At the request of the governmental agency, the Risk Management Program Committee may authorize the County Solicitor to employ outside counsel to investigate and defend a claim against the governmental agency, its officers, agents or employees. The outside counsel shall cooperate with the County Solicitor in the investigation, defense and settlement of the claim. The compensation of the outside counsel shall be paid by the risk management fund.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.305. - Confidentiality.

Except for information obtained during the investigation, any information obtained by the County Solicitor or the Solicitor's designee shall be confidential and shall not be revealed unless by order of a court.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.306. - Special verdict.

The County Solicitor, the Solicitor's designee, or outside counsel shall request the court to require a special verdict in the form of written findings which determine:

- (a) Whether the officer, agent or employee was acting within the scope of his/her employment;
- (b) Whether the alleged act or omission was malicious;
- (c) Whether the officer, agent or employee could legally claim any common law or statutory immunity.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.307. - Requirement to repay the risk management fund for costs of defense.

Before the County Solicitor undertakes the defense of an officer, agent or employee, the officer, agent or employee shall sign an agreement which provides that the officer, agent or employee understands that if the information provided during the investigation undertaken pursuant to subsection 23.304(b) of this subtitle was not complete and true or was misleading, or if the official, agent or employee otherwise fails to cooperate in the defense, the County:

- (a) May withdraw as counsel to the official, agent or employee with leave of court; or
- (b) May charge the official, agent or employee for continued defense; and
- (c) May seek reimbursement from the employee for any judgment the County may be required, by law, to pay, consistent with the County's obligations under State law.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.308. - Settlement obligations.

- (a) Before the County Solicitor undertakes the defense of an officer, agent or employee, the officer, agent or employee shall sign an agreement which provides that the County Solicitor shall compromise or settle a claim on behalf of the risk management fund only after notifying the officer, agent or employee of the proposed settlement and of its terms and after giving the individual the opportunity to suggest additional terms that are in the interest of the employee and the County.
- (b) The agreement shall also provide that the County shall obtain the written consent of the officer, agent or employee to the settlement of a claim if either:
 - (1) The proposed settlement will not provide him/her with a general release; or
 - (2) The County intends to ask the officer, agent or employee to repay any of the cost of the settlement or of the legal costs.
- (c) The agreement shall further provide that if the officer's, agent's or employee's consent is required and the officer, agent or employee does not consent to the compromise or settlement, the County Solicitor may treat the failure to consent as a failure to cooperate, pursuant to section 23.307 of this subtitle.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.309. - Responsibility for costs of officer, agent or employee.

- (a) *Risk Management Fund Pays.* If the County Solicitor decides not to undertake the defense of an officer, agent or employee and the court decides that the officer's, agent's, or employee's acts or omissions were within the scope of his/her employment, the risk management fund shall pay the costs of the defense, including court costs and attorneys' fees, except in cases where the court orders the plaintiff to pay these costs.
- (b) *Plaintiff Pays.* If the court finds for the officer, agent or employee and there is reason to believe that the action or proceeding was instituted in bad faith or without substantial justification, the Risk Management Program Committee may authorize the County Solicitor, assistant County Solicitor, outside counsel or private counsel for the officer, agent or employee to petition the court to require the plaintiff to pay the risk management fund or the officer, agent or employee, as the case may be, the costs of defending the case, including court costs and attorneys' fees.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.310. - Payment of judgment or settlement.

- (a) *Officers, Agents and employees Whose Judgment or Settlement May Be Paid:*
- (1) *Judgments.* The amount of any judgment may be paid on behalf of those officers, agents or employees whose acts or omissions were within the scope of their employment in accordance with section 23.303.
 - (2) *Settlements.* The Risk Management Program Committee may authorize payment of a settlement if, in the opinion of the Committee:
 - (i) The officer, agent or employee was acting within the scope of employment or is likely to be found by a court or jury to have been acting within the scope of employment; and
 - (ii) The costs of the litigation, the risks of judgment adverse to the officer, agent or employee and other relevant factors indicate that settlement is appropriate under the circumstances.
- (b) *Risk Management Fund.* Any costs, judgments or settlements authorized by the Committee to be paid, shall be paid by the risk management fund.
- (c) *Repayment by Official, Agent or Employee.* The County may collect from the official, agent or employee any amounts paid in compensatory damages for acts or omissions of the individual within the scope of his/her employment, when it is found that the official, agent or employee acted with actual malice.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.311. - Retroactivity.

The application of this subtitle to the officers, agents and employees of any agency shall be retroactive to the date when the agency entered into an agreement with the Howard County Government for pooled comprehensive risk management pursuant to section 23.100 of the Howard County Code.

(C.B. 55, 1986; C.B. 65, 1995)

SUBTITLE 4. - DEFENSE OF ACTIONS AGAINST OFFICERS, AGENTS AND EMPLOYEES OF THE HOWARD COUNTY BOARD OF EDUCATION

Sec. 23.400. - Purpose.

The purpose of this subtitle is to define the role of County Government and the risk management program in the defense of Board of Education officers, agents and employees in legal actions related to their employment. The provisions of this subtitle shall be effective during the life of an agreement between the Howard County Government and the Howard County Board of Education for pooled comprehensive risk management pursuant to the provisions of subtitle 1 of this title. This subtitle is intended to provide the self-insurance coverage authorized by subsection 4-105(c) of the Education Article of the Annotated Code of Maryland, as amended from time to time. Nothing in this subtitle is intended to be inconsistent or in conflict with any State law or regulation pertaining to the Howard County Board of Education.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.401. - Definitions.

Words and phrases used in this subtitle have their usual meaning except that "employee(s), agent(s) and board member(s)" includes current and former employee(s), agent(s) and board member(s) of the Board of Education.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.402. - Immunity.

This subtitle shall not be read to be a waiver of the defense of sovereign immunity or of any other immunity defense available by law to the Board, its employees, agents, or officials.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.403. - Reserved.

Editor's note— C.B. 65, 1995, reserved § 23.403 in its entirety. Formerly, § 23.403 pertained to actions against County board employees and derived from C.B. 55, 1986.

Sec. 23.404. - Responsibility for providing defense; payment of judgment.

- (a) *Defense.* The risk management program shall provide for defense of claims against the Board of Education, its members, public officials, agents and employees arising from acts or omissions committed within the scope of employment or authorized official capacity and without malice.
- (b) *Responsibility for Paying Judgment.* A claim or judgment against a board member, agent or employee for compensatory damages up to the maximum limits of liability set forth in section 5-353 of the courts and judicial proceedings article of the Annotated Code of Maryland or up to any lesser amount provided in the agreement between the Board of Education and the County shall be satisfied from the risk management fund if the board member, agent of employee was acting within the scope of employment or authorized official capacity and without malice.

(C.B. 55, 1986; C.B. 65, 1995)

State Law reference— Tort immunity of county board of education, Ann. Code of Md., Courts and Judicial Proceedings article, § 5-518.

Sec. 23.405. - Requirement for County Solicitor to provide defense.

- (a) *Initiation of Process.* The County Solicitor may become involved in the case upon written request of the Board, board member, agent or employee, or to protect the interests of the County or an agency.
- (b) *Investigation.* Before undertaking the defense of a board member, agent or employee, the County Solicitor shall investigate the facts upon which the legal action or special proceeding is based to determine whether the member's, agent's or employee's acts or omissions were within the scope of his/her employment and whether they were malicious.
- (c) *Approval Required.* Based upon the results of the investigation and the recommendations of the Risk Management Program Committee, the County Executive may authorize the County Solicitor to defend the board member, agent or employee. The County Solicitor may not defend board members, agents and employees without the approval of the County Executive.
- (d) *Solicitor Coordinates Defense; Initiation of Process.* The County Solicitor coordinates the provision of defense on behalf of the risk management program. Upon written request, the County Solicitor may undertake the defense of the Board of Education, its public officials, agents and employees, with the recommendation of the Risk Management Program Committee and the approval of the County Executive.

- (e) *Other Legal Counsel.* The Board of Education may direct its legal counsel to undertake the defense of any claim against the Board of Education, its public officials, employees and agents. Upon recommendation of the County Solicitor, this defense shall be funded from the risk management fund in accordance with the professional services policy established by the risk management committee. Legal counsel for the Board of Education shall consult with and advise the County Solicitor as to the status of each claim.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.406. - Special verdict.

The County Solicitor, the solicitor's designee, outside counsel or the legal counsel for the Board of Education shall request the court to require a special verdict in the form of written findings which determine:

- (a) Whether the board member, agent or employee was acting within the scope of employment; or
- (b) In the case of an employee or agent, whether the alleged act or omission was malicious.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.407. - Requirement to repay the risk management fund for costs of defense.

Before the County Solicitor or outside counsel undertakes the defense of a board member, agent or employee, the board member, agent or employee shall sign an agreement which provides that the board member, agent or employee understand that if the information provided during the investigation was not complete and true or was misleading; or if the board member, agent or employee otherwise fails to cooperate in the defense the County Solicitor:

- (a) May withdraw as counsel to the board member, agent or employee with leave of court or request other counsel provided under subsection 23.405(e) to withdraw; or
- (b) May charge the board member, agent or employee for continued defense; and
- (c) May seek reimbursement from the employee for any judgment the Board or the risk management fund may be required to pay.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.408. - Settlement obligations.

- (a) Before the County Solicitor or other counsel selected by the Board undertakes the defense of a board member, agent or employee, the board member, agent or employee shall sign an agreement which provides that the claim shall not be compromised or settled without first notifying the board member, agent or employee of the proposed settlement and of its terms and after giving the individual the opportunity to suggest additional terms that are in the interest of the employee and the Board.
- (b) The agreement shall also provide that the Board of Education shall obtain the written consent of the board member, agent or employee to the settlement of a claim if either:
 - (1) The proposed settlement will not provide him/her with a general release; or
 - (2) The Board of Education intends to ask the board member, agent or employee to repay of the cost of the settlement or of the legal costs.
- (c) The agreement shall further provide that if the board member's, agent's or employee's consent is required and the officer, agent or employee does not consent to a compromise or settlement

recommended by the County Solicitor or other counsel and approved by the Risk Management Program Committee, the County Solicitor or outside counsel may treat the failure to consent as a failure to cooperate pursuant to section 23.407 of this subtitle.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.409. - Responsibility for costs of board member, agent or employee.

- (a) *Risk Management Fund Pays.* If a decision is made not to undertake the defense of the Board, a board member, agent or employee and the court finds that the acts or omissions of the board member, agent or employee were within the scope of employment or authorized official capacity and, in the case of an employee or agent, were not malicious, the costs of the defense, including court costs and attorneys' fees, shall be paid from the risk management fund except in cases where the court orders the plaintiff to pay these costs.
- (b) *Plaintiff Pays.* If the court finds for the board member, agent or employee and there is reason to believe that the action or proceeding was instituted in bad faith or without substantial justification, the Risk Management Program Committee may authorize the County Solicitor, assistant County Solicitor, other counsel or private counsel for the board member, agent or employee to petition the court to require the plaintiff to pay the risk management fund or the board member, agent or employee, as the case may be, the costs of defending the case, including court costs and attorneys' fees.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.410. - Payment of judgment or settlement.

- (a) *Judgments.* The amount of any judgments against board members, agents and employees shall be paid from the risk management fund up to the limits set forth in the agreement between Howard County Government and the Howard County Board of Education.
- (b) *Settlements.* The Risk Management Program Committee may approve proposed settlements and shall authorize payment of settlements negotiated and approved on behalf of the Board, its members, officials, agents and employees, up to the limits set forth in the agreement between the Howard County Government and the Howard County Board of Education, if, in the opinion of the Committee:
 - (1) The Board member, agent or employee was acting within the scope of employment or is likely to be found by a court or jury to have been acting within the scope of employment; and
 - (2) The costs of the litigation, the risks of a judgment adverse to the officer, agent or employee, and other relevant factors indicate that settlement is appropriate under the circumstances.
- (c) *Repayment by Board Member, Agent or Employee.* The Board of Education may collect from the official, agent or employee any amounts paid in compensatory damages for acts or omissions of the individual within the scope of his/her employment, when it is found that the board member, agent or employee acted with actual malice.

(C.B. 55, 1986; C.B. 65, 1995)

SUBTITLE 5. - DEFENSE OF ACTIONS AGAINST OFFICERS, AGENTS AND EMPLOYEES OF THE HOWARD COUNTY COMMUNITY COLLEGE

Sec. 23.500. - Purpose.

The purpose of this subtitle is to define the role of County Government and the risk management program in the defense of Howard County Community College officers, agents and employees in legal actions related to their employment. The provisions of this subtitle shall be effective during the life of an agreement between the Howard County Government and the Howard County Community College for pooled comprehensive risk management pursuant to the provisions of subtitle 1 of this title.

This subtitle is intended to provide the self-insurance coverage authorized by subsection 16-206(c) of the education article of the Annotated Code of Maryland, as amended from time to time. Nothing in this subtitle is intended to be inconsistent or in conflict with any State law or regulation pertaining to the Howard County Community College.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.501. - Definitions.

Words and phrases used in this subtitle have their usual meaning, except that *employee(s)*, *agent(s)* and *board member(s)* includes current and former employee(s), agent(s) and board member(s) of the Howard County Community College. *Board* means the Board of trustees of Howard County Community College; and *board members*, *agent(s)* and *employee(s)* includes current and former members, agent(s) and employee(s) of the Board of trustees of Howard County Community College.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.502. - Claim of immunity.

This subtitle shall not be read to be a waiver of the defense of sovereign immunity or of any other immunity defense available by law to the Board, its employees, agents or officials.

(C.B. 55, 1986; C.B. 65, 1995)

State Law reference— Tort immunity of community colleges, Ann. Code of Md., Courts and Judicial Proceedings article, § 5-519.

Sec. 23.503. - Responsibility for providing defense; payment of judgment.

- (a) *Defense.* The risk management program shall provide for defense of claims against the Board of trustees of the Community College, its members, public officials, agents and employees, arising from acts or omissions committed within the scope of employment or authorized official capacity.
- (b) *Responsibility for Paying Judgment.* A claim or judgment against a board member, agent or employee of the Community College shall be satisfied from the risk management fund, up to the limit established by law or up to any lesser amount that may be set in the agreement between the Community College and the County, for damages resulting from tortious acts or omissions committed by the board member, agent or employee acting within the scope of employment or authorized official capacity and without malice.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.504. - Requirement for County Solicitor to provide defense.

- (a) *Initiation of Process.* The County Solicitor may become involved in the case upon written request of the Board, board member, agent or employee, or to protect the interests of the County or an agency.

- (b) *Investigation.* Before undertaking the defense of a board member, agent or employee, the County Solicitor shall investigate the facts upon which the legal action or special proceeding is based to determine whether the member's, agent's or employee's acts or omissions were within the scope of his/her employment and whether they were malicious.
- (c) *Approval Required.* Based upon the results of the investigation and the recommendations of the Risk Management Program Committee, the County Executive may authorize the County Solicitor to defend the board member, agent or employee. The County Solicitor may not defend board members, agents and employees without the approval of the County Executive.
- (d) *Solicitor Coordinates Defense; Initiation of Process.* The County Solicitor coordinates the provision of defense on behalf of the risk management program. Upon written request, the County Solicitor may undertake the defense of board members, agents or employees with the recommendation of the Risk Management Program Committee and approval of the County Executive.
- (e) *Other Legal Counsel.* The Community College may direct its legal counsel to undertake the defense of any claim against the Community College, its public officials, employees and agents. Upon recommendation of the County Solicitor, the defense shall be funded from the risk management fund in accordance with the professional services policy established by the Risk Management Program Committee. Legal counsel for the Community College shall consult with and advise the County Solicitor as to the status of each claim.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.505. - Special verdict.

The County Solicitor, the solicitor's designee, outside counsel or counsel for the Community College shall request the court to require a special verdict in the form of written findings which determine:

- (a) Whether the board member, agent or employee was acting within the scope of employment; or
- (b) Whether the alleged act or omission was malicious.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.506. - Requirement to repay the risk management fund for costs of defense.

Before the County Solicitor or outside counsel undertakes the defense of a board member, agent or employee, the board member, agent or employee shall sign an agreement which provides that the board member, agent or employee understands that if the information he/she provided during the investigation was not complete and true, or was misleading, or if the board member, agent or employee otherwise fails to cooperate in the defense the County Solicitor:

- (a) May withdraw as counsel to the board member, agent or employee with leave of court or request other counsel provided under section 23.504 to withdraw; or
- (b) May charge the board member, agent or employee for continued defense; and
- (c) May seek reimbursement from the employee for any judgment the Community College may be required, by law, to pay, consistent with its obligations under State law.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.507. - Settlement obligations.

- (a) Before the County Solicitor or other counsel selected by the Board undertakes the defense of a board member, agent or employee, the board member, agent or employee shall sign an agreement

which provides that the claim shall not be compromised or settled without first notifying the board member, agent or employee of the proposed settlement and of its terms and after giving the individual the opportunity to suggest additional terms that are in the interest of the employee and the Community College.

- (b) The agreement shall also provide that the Community College shall obtain the written consent of the board member, agent or employee to the settlement of a claim if either:
 - (1) The proposed settlement will not provide him/her with a general release; or
 - (2) The County intends to ask the officer, agent or employee to repay any of the costs of the settlement or of the legal costs.
- (c) The agreement shall further provide that if the board member's, agent's or employee's consent is required and the board member, agent or employee does not consent to a compromise or settlement recommended by the County Solicitor or other counsel and approved by the Risk Management Program Committee, the County Solicitor or other counsel may treat the failure to consent as a failure to cooperate pursuant to section 23.506 of this subtitle.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.508. - Responsibility for costs of board member, agent or employee.

- (a) *Risk Management Fund Pays.* If a decision is made not to undertake the defense of the Board or a board member, agent or employee and the court finds that the acts or omissions were within the scope of employment or authorized official capacity the costs of the defense, including court costs and attorneys' fees shall be paid from the risk management fund, except in cases where the court orders the plaintiff to pay these costs.
- (b) *Plaintiff Pays.* If the court finds for the board member, agent or employee and also finds that the action or proceeding was instituted in bad faith or without substantial justification, the Risk Management Program Committee may authorize the County Solicitor, assistant County Solicitor, other counsel or private counsel for the board member or employee to petition the court to require the plaintiff to pay the Risk Management Fund or the Board member, agent or employee, as the case may be, the costs of defending the case, including court costs and attorneys' fees.

(C.B. 55, 1986; C.B. 65, 1995)

Sec. 23.509. - Payment of judgment or settlement.

- (a) *Judgments.* The amount of any judgments against Board members, agents and employees shall be paid from the Risk Management Fund up to the limits set forth in the agreement between the Howard County Government and the Howard County Community College.
- (b) *Settlements.* The Risk Management Program Committee may approve payment of proposed settlements and shall authorize payment from the risk management fund of settlements negotiated and approved on behalf of the Board, its members, officials, agents and employees, up to the limits set forth in the agreement between the Howard County Government and the Howard County Community College, provided that, in the opinion of the Committee:
 - (1) The Board member, agent or employee was acting within the scope of employment or is likely to be found by a court or jury to have been acting within the scope of employment; and
 - (2) The costs of the litigation, the risks of a judgment adverse to the board member, agent or employee and other relevant factors indicate that settlement is appropriate under the circumstances.

- (c) *Repayment by board member, agent or employee.* The County may collect from the board member, agent or employee any amounts paid in compensatory damages for acts or omissions of the individual within the scope of his/her employment, when it is found that the Board member, agent or employee acted with actual malice.

(C.B. 55, 1986; C.B. 65, 1995)

TITLE 24 - CIVIL PENALTIES⁽¹⁾

Footnotes:

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State Law reference— Civil penalties authorized, Ann. Code of Md. art. 25A, § 5(A)(5).

SUBTITLE 1. - CIVIL FINES AND PROCEDURES

Sec. 24.100. - Purpose.

This subtitle implements the authority contained in article 25A of the Annotated Code of Maryland to provide for the enforcement of County laws and regulations by civil fines.

(C.B. 31, 1985)

Sec. 24.101. - Definitions.

Words and phrases used in this subtitle shall have their usual meanings except as specified below:

I. *Civil violation:*

A violation of the County Code or of a regulation adopted pursuant to the County Code, which is punishable by a civil fine.

II. *Enforcement official* is the individual in an agency or department charged with enforcing its laws and regulations, generally the Department or agency head or his/her designated representative.

III. *Enforcing agency* means the Department or agency charged with enforcing a law or regulation.

IV. *Person* means an individual, partnership, joint venture, corporation, association, or organization.

V. *Repeated violation* means a recurring violation of the same provision of the County Code or regulation.

(C.B. 31, 1985)

Sec. 24.102. - Establishment of civil penalties.

An enforcing agency may impose a civil fine pursuant to the provisions of this subtitle as an alternative enforcement measure for violations of the Howard County Code or regulations adopted pursuant to the Code.

(C.B. 31, 1985)

Sec. 24.103. - Applicability; nonexclusive remedy.

I. *Applicability.* The provisions of this subtitle shall apply unless Howard County laws and regulations provide otherwise.

II. *Nonapplicability to Animal Control Law.* The provisions of this subtitle do not apply to civil citations issued pursuant to subtitle 3, "animals," of title 17, "public protection services," of the Howard County Code.

III. *Nonexclusive Remedy.* Nothing in this subtitle shall prevent an enforcing agency from seeking other remedies provided by law or regulations, such as injunctions or criminal prosecution.

IV. *Nonapplicability to Violations of the Subdivision and Land Development Regulations or the Howard County Zoning Regulations.* The provisions of this subtitle do not apply to citations or notices of violations issued under title 16, subtitle 16 of this Code.

(C.B. 31, 1985; C.B. 11, 1986; C.B. 3, 2008, § 6)

Sec. 24.104. - Duties of the County Solicitor.

The County Solicitor may prosecute all civil violations under this subtitle. The County Solicitor may institute proceedings on behalf of the County enforcement officials in any court of competent jurisdiction to enforce payment of the civil fines imposed pursuant to this subtitle.

(C.B. 31, 1985)

Sec. 24.105. - Determination of violation; notice of violation.

Unless laws and regulations provide other procedures, an Enforcement Official shall use the following procedure to determine that a violation has occurred and to notify the violator.

I. *Investigation:*

The Enforcement Official shall investigate the alleged violation to determine whether a violation exists or has occurred.

II. *Notice of Violation:*

If the Enforcement Official believes that a violation exists or has occurred and if law or regulation requires the issuance of a notice of violation, the Official shall issue a notice of violation to the person responsible for the violation. If a notice of violation is not required by law or regulation, the Enforcement Official may issue a notice at his/her discretion.

The Enforcement Official need not issue a violation notice for a repeated violation for which a citation has been issued. The notice shall describe the violation and shall give the person a reasonable time to abate the violation or to prevent future violations.

III. *Right of Appeal:*

The person charged with the violation may appeal the issuance of a violation notice only if such an appeal is authorized by law or regulation.

(C.B. 31, 1985)

Sec. 24.106. - Issuance of citation.

Unless law provides otherwise, the following provisions regarding citations shall be used:

I. *Continuing Violations:*

Each day that a violation continues after issuance of a notice of violation or citation shall be a separate violation. An inspection which indicates that a violation continues to exist shall be prima facie proof of a continuing violation which has existed since the last inspection.

II. *Authority to Issue Citation:*

(a) *After issuance of a notice of violation:*

If a violation continues after the reasonable time stated in the notice of violation and the person charged has neither made good-faith efforts to abate, correct or legalize the violation nor appealed the violation, the enforcement official may issue a citation to the person charged with the violation.

(b) *When notice of violation is not required:*

If law or regulation does not require the issuance of a notice of violation, the Enforcement Official may issue a citation when he/she determines that a violation exists or has occurred.

III. *Content of Citation:*

The citation shall contain:

- (a) Certification by the enforcement official attesting to the best of his/her knowledge that a violation exists or has occurred;
- (b) The name and address of the person charged;
- (c) The nature of the violation;
- (d) The time when the violation occurred and the place;
- (e) The amount of the fine;
- (f) The manner, location and time in which the fine may be paid; and
- (g) Notice informing the person of the right to stand trial for the violation.

IV. *Delivery of Citation:*

The Enforcement Official shall mail a copy of the citation to the last known address of the person charged. Instead of mailing, the enforcement official may deliver the citation personally to the person charged. In addition, a copy of the citation may be posted in a conspicuous place on the property where the violation exists or has occurred.

V. *Enforcement Official to Retain Copy:*

The Enforcement Official shall retain a copy of the citation.

VI. *Citation Not Appealable:*

The issuance of a citation is not appealable to any County Board or Commission.

(C.B. 31, 1985)

Sec. 24.107. - Fines.

- I. *Amount of Fine.* Unless another amount for a specific violation has been established by law or regulation, the civil fine shall be in the amount shown below:

Class of	Minimum	Maximum
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Offense	Fine	Fine
A	\$500.00	\$1,000.00
B	250.00	500.00
C	100.00	250.00
D	50.00	100.00
E	25.00	50.00

- II. *Payment of Fines.* All fines are due and payable by the date indicated in the citation. The fine shall be payable to and collected by the Director of Finance of Howard County.

(C.B. 31, 1985)

Sec. 24.108. - Election to stand trial.

- I. *Right to Stand Trial.* A person who receives a citation may elect to stand trial for the alleged violation.
- II. *Notice Requirement.* At least five days before the due date of the fine, the person cited shall file with the Director of Finance a notice of intent to stand trial.
- III. *Notice to District Court; Scheduling of Case.* Upon receipt of a notice of intent to stand trial, the Director of Finance shall send a copy of the notice and a copy of the citation to the district court. Upon receipt of the citation, the district court shall schedule the case for trial and notify all parties of the trial date.
- IV. *Money Collected.* All fines, penalties or forfeitures collected by the district court for violations shall be sent to the Director of Finance of Howard County.

(C.B. 31, 1985)

Sec. 24.109. - Default.

- I. *Formal Notice.* If the person charged with the violation has not paid the fine by the due date and has not filed a notice of intent to stand trial, the Office of Finance shall send a formal notice of the alleged violation to the last known address of the person charged.
- II. *Additional Fine.* If the fine is not paid within 15 days of the date of the formal notice, the person shall pay an additional fine, not to exceed the original fine.
- III. *Adjudication.* If the fine is not paid within 35 days of the date of the formal notice, the Director of Finance may request the district court to adjudicate the case. The district court shall schedule the case for trial and summon the defendant to appear for trial.
- IV. *Civil Matter.* Adjudication of a violation is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(C.B. 31, 1985)

Sec. 24.110. - Manner of prosecution.

In a proceeding before the district court under this subtitle:

I. *Burden of Proof Evidentiary Standards:*

- (a) *Burden.* It shall be the burden of the County to prove by a preponderance of the evidence that the defendant committed the violation, except in zoning violations where it shall be the burden of the County to prove by clear and convincing evidence that the defendant committed the violation.

II. *Right to Counsel:*

A defendant may be represented by a counsel of his/her own selection at his/her own expense.

III. *Notify Defendant of Charges:*

The court shall ensure that the defendant has received a copy of the charges and that he/she understands those charges.

IV. *Pleas; Cross-Examination; Witnesses:*

(a) *Plea:*

A defendant may enter a plea of guilty or not guilty.

(b) *Witnesses:*

The defendant may testify on his/her own behalf. The defendant may produce evidence and witnesses in his/her own behalf.

(c) *Cross-examinations:*

The defendant may cross-examine witnesses who appear against the defendant.

V. *Verdict of Court:*

The court shall give a verdict of guilty or not guilty of a County violation or the court may, before judgment, place the defendant on probation as the law permits in the trial of a criminal case.

VI. *Fine:*

The court may, at its discretion, suspend or defer the payment of any fine it imposes and may set conditions for the suspension or deferral.

VII. *Failure to Pay Fine:*

If a defendant willfully fails to pay the fine imposed by the court, the willful failure may be treated as a criminal contempt of court punishable by the court as is provided by law.

VIII. *Right to File Motion:*

A defendant who has been found guilty of a County violation has the same rights to file a motion for a new trial or a motion for a revision of a judgment as law or rule provides in the trial of a criminal case. The motions shall be made in the same manner as is now provided in the trial of criminal cases.

IX. *Court Costs:*

If the district court finds that a person has committed a civil violation, the person shall also be liable for the court costs of the proceedings in district court. A defendant shall not be liable for payment to the criminal injury compensation fund.

(C.B. 31, 1985; C.B. 62, 2003, § 1)

Sec. 24.111. - Severability.

If a court holds that part of this subtitle is invalid, the invalidity does not affect other parts.

(C.B. 31, 1985)

TITLE 25 - REVENUE AUTHORITY¹

Footnotes:

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Editor's note— Sections 1—3 of C.B. 69, 2005 enacted a new Title 25 as herein set out. Former Title 25 was titled as General Services and only contained reserved sections.

SUBTITLE 1. - HOWARD COUNTY REVENUE AUTHORITY

PART I. - STATE PROVISIONS

Sec. 25.101. - Definitions.

- (a) In this act the following words have the meanings indicated.
- (b) *Board* means the Board of Directors of the Howard County Revenue Authority.
- (c) *County* means Howard County.
- (d) *Plan* means the document that:
 - (1) Is prepared by the Revenue Authority and approved by the County Executive and the County Council; and
 - (2) Outlines or presents a strategy for the activities of the Revenue Authority.
- (e) *Revenue Authority* means the Howard County Revenue Authority.

(C.B. 69, 2005, § 2)

State Law reference— 2005 Laws of Maryland, Ch. 95.

Sec. 25.102. - Authority to establish; purpose; local legislation; applicable law; conveyance of County property; assignments; advances; budget; revenue bonds; authorities; taxation; prohibitions; financial report; records; dissolution.

- (a) (1) Howard County, Maryland, may establish by local legislation a revenue authority in the County. The Revenue Authority shall be known as the Howard County Revenue Authority, shall have perpetual existence as a corporation, shall be deemed to be performing an essential

public function, and shall also be considered to be a public body and an instrumentality of the County.

- (2) The purpose of the Revenue Authority is to finance or operate cultural, recreational (excluding golf courses), and parking facilities.
- (b) (1) The County may enact, by local legislation, the provisions of each section required by this act and provisions to supplement the provisions of the required sections, if not in conflict with the required sections.
- (2) The local legislation, if enacted, shall:
 - (i) Except as provided in sections 3 and 4 of this act (section 25.103 and section 25.104 of this Code), specify the organization and membership of the Revenue Authority;
 - (ii) Specify the purposes, as set forth in subsection 2(a)(2) of this act (subsection 25.102(a)(2) of this Code), of the Revenue Authority;
 - (iii) Specify the powers to be exercised by the Revenue Authority;
 - (iv) Provide for the exercise of all powers, authority, rights, and obligations required by this act; and
 - (v) Specify any other matters relating to the Revenue Authority as the County may determine.
- (c) (1) Except as provided in paragraphs (2) and (3) of this subsection and subsection 3(e)(2) of this act (subsection 25.103(e)(2) of this Code), the provisions of the County Charter or other County law regarding the duties, powers, or organization of the Revenue Authority do not apply to the Revenue Authority unless the County expressly provides by law that the Charter provision or law applies to the Revenue Authority.
- (2) The Revenue Authority shall be subject to section 2.125 et seq. of the Howard County Code or any successor provisions at law and to section 10.611, et seq. of the State government article of the Annotated Code of Maryland.
 - (3) The Board, officers, Executive Director, and employees of the Revenue Authority shall be subject to the Howard County Public Ethics Law, section 22.200, et seq. of the Howard County Code, or any successor provision of law.
- (d) (1) The County Executive, with the approval of the County Council, may convey to the revenue authority the County's title to any lands, streets, alleys, buildings, facilities, or other public places, on payment to the County of the reasonable value of such properties.
- (2) The Revenue Authority and the County Executive shall determine the value of the property with the approval of the County Council.
 - (3) Payment shall be made in cash or in bonds of the Revenue Authority at par value.
 - (4) Proceeds from the conveyance of any County property to the Revenue Authority under this section shall be applied by the County to:
 - (i) The repayment of County general obligation debt or revenue obligations issued to finance or refinance the acquisition or development of the property conveyed; or
 - (ii) The acquisition or development of capital projects of the County.
- (e) (1) Subject to paragraph (2) of this subsection, the County Executive, with the approval of the County Council, may assign to the revenue authority any rates, rentals, fees, or charges now being or hereafter received by the County, such assignment to be made for the purpose of providing additional security for any bonds to be issued under this act or for such other purposes as may be agreed to between the Revenue Authority and the County.
- (2) The County may not pay or otherwise transfer to the Revenue Authority as rates, rentals, fees, or charges, money from the general funds of the County to pay for financing public property to be occupied or used by the County for governmental purposes.

- (f)
 - (1) The County Council may advance to the Revenue Authority from the general funds of the County, sums to be used by the Revenue Authority to defray expenses for investigation, engineering and architectural studies, opinions, and compensation of employees and counsel, that may be incurred prior to the sale of its revenue bonds.
 - (2) Advances shall be repaid out of the first proceeds of the sale of revenue bonds by the revenue authority following any such advance.
 - (3) The advances may be made in accordance with subsection (h) of this section.
- (g) The budget for the Revenue Authority and any proposal by the Revenue Authority to sell bonds is subject to approval by the County Executive and the County Council.
- (h)
 - (1) The revenue bonds, certificates, or other evidences of indebtedness issued under the provisions of this subtitle may not be deemed to constitute a debt of the County or a pledge of the faith and credit of the County or of the State of Maryland or any political subdivision of the State of Maryland.
 - (2) The revenue bonds, certificates, or other evidences of indebtedness shall be payable from the funds of the Revenue Authority provided from revenues of the project or projects of the Revenue Authority.
 - (3) All revenue bonds shall contain a statement on their face to the effect that the full faith and credit of the County, State, or political subdivision of the State of Maryland is not pledged to pay such bonds or the interest thereon.
 - (4) Except as otherwise provided in paragraph (5) of this subsection, the issuance of the revenue bonds, certificates, or other evidences of indebtedness under the provisions of this subtitle may not directly, indirectly, or contingently obligate Howard County to levy or pledge any form of taxation or any appropriation for their payment.
 - (5) The County Executive may, with the approval of the Council, collaterally agree to provide sufficient moneys from the general fund of the County to pay any deficiency in the debt service requirements of such bonds for any year in which there is a deficit.
 - (6) An advance of moneys from the general fund of the County shall be repaid from the receipts, rentals, or revenues of the authority in the next succeeding year in which such receipts, rentals, or revenues exceed debt service requirements and operating expenses.
 - (7) An advance of moneys from the general fund of the County under any agreement or agreements shall not exceed, but shall be limited and restricted to, a maximum amount established by local legislation or, in the absence of local legislation, a maximum payment by the County of \$25,000.00 for any one year.
- (i)
 - (1) Revenue bonds issued by the Revenue Authority authorized by this subtitle are hereby made securities in which all public officers and public agencies of the State and its political subdivisions, and all banks, trust companies, savings and loan associations, investment companies, and others carrying on a banking business, all insurance companies and insurance associations and others carrying on an insurance business, all Administrators, executors, guardians, trustees, and other fiduciaries, and all other persons may legally and properly invest funds, including capital, in their control or belonging to them.
 - (2) Revenue bonds issued by the Revenue Authority are hereby made securities that may properly and legally be deposited with and received by any State or municipal officer or any agency or political subdivision of the State for any purpose for which the deposit of bonds or other obligations of the State is now or may hereafter be authorized by law.
- (j) The Revenue Authority established by the County may issue revenue bonds, notes, or other evidences of indebtedness.
- (k) The bonds, notes, and other evidences of indebtedness issued by the Revenue Authority established by the County, their transfer, the interest payable on them, and any income derived from them, including any profit realized in their sale or exchange, shall be exempt at all times from

taxation by the State, or by any of its counties, municipal corporations, or public agencies of any kind.

- (l) The bonds, notes, and other evidences of indebtedness issued by the Revenue Authority established by the County shall be exempt from the provisions of Article 31, sections 9, 10, and 11 of the Annotated Code of Maryland, or any successor provision.
- (m) The Revenue Authority established by the County may acquire real and personal property and interests in real and personal property and may pledge, mortgage, encumber, sell, lease, transfer, or convey any interest in its real and personal property to the County or any person.
- (n) Earnings of the Revenue Authority established by the County may not enure to the benefit of private persons.
- (o) Within 90 days after the end of the County's fiscal year, the Revenue Authority shall send the County Executive, the County Council, and the County Delegation to the General Assembly an annual financial report:
 - (1) Concerning:
 - (i) The activities of the Revenue Authority during the fiscal year; and
 - (ii) The Revenue Authority's financial standing at the end of the fiscal year; and
 - (2) Containing the audit report required under subsection (p)(2) of this section.
- (p)
 - (1) The Revenue Authority shall keep records consistent with sound business practices and accounting records using generally accepted accounting principles.
 - (2) The Revenue Authority shall have its books and records audited at the conclusion of each fiscal year.
 - (3) The books and records of the Revenue Authority shall be subject to audit, examination, and inspection at any reasonable time by the County Executive and the County Council or their designees.
 - (4) In addition to any financial audit required by this subsection, the County may conduct financial or management audits.
- (q) In the event of dissolution of the Revenue Authority established by the County, the title to all property financed by the proceeds of bonds, notes, or other evidences of indebtedness issued by the Revenue Authority shall revert to the County.
- (r)
 - (1) It is the intent of this subtitle that the Revenue Authority established by the County be a "constituted authority" within the meaning of the Internal Revenue Code of 1986, as amended, and the relevant regulations, rulings, and procedures.
 - (2) The powers of the Revenue Authority shall be construed to give effect to this intent.

(C.B. 69, 2005, § 2)

State Law reference— 2005 Laws of Maryland, Ch. 95.

Sec. 25.103. - Board of Directors; qualifications; membership terms; removal; officers; meetings; compensation.

- (a) On enactment of local legislation by the County establishing a Revenue Authority, there is a Board of Directors of the Revenue Authority, which shall manage the affairs of the authority and exercise all its corporate powers.
- (b) The Board shall have no more than seven voting members appointed by the County Executive with the approval of the County Council.

- (c) (1) Board members shall either be residents of Howard County or persons with business interests in the County.
 - (2) Board members shall be selected for known leadership, experience, and interest in the well-being of the County and shall represent a cross section of the County.
 - (3) Employees of the County, employees of the Revenue Authority, or elected officials of the County are not eligible to serve as board members.
- (d) (1) (i) Board members shall serve staggered terms of four years, as required in legislation enacted by the County.
- (ii) At the end of a term, a board member continues to serve until a successor is appointed and qualifies.
 - (2) A board member who is appointed to complete an unexpired term serves for the rest of that term or until a successor is appointed and qualifies.
 - (3) A member may not be reappointed after having served eight or more consecutive years immediately before appointment.
- (e) (1) A member may be removed for incompetence, misconduct, or failure to perform the duties of the position.
- (2) Removal shall be pursuant to the provisions of section 903 of the Howard County Charter.
- (f) (1) The Board shall elect one of its members as chair, one as Vice-Chair, and one as Secretary-Treasurer, to serve two-year terms.
- (2) An officer may serve an unlimited number of terms during the officer's membership on the Board.
- (g) (1) A majority of the members of the Board constitute a quorum for the purpose of conducting business.
- (2) The affirmative vote of a majority of the members is required before the Board may take action.
- (3) The Board shall meet at least once a month at the times and places that it determines and more often at the call of the chair.
- (h) The Board members shall receive no compensation for their services except reasonable and necessary expenses (including travel expenses) incurred in the discharge of their duties as provided in the Revenue Authority's budget.

(C.B. 69, 2005, § 2)

State Law reference— 2005 Laws of Maryland, Ch. 95.

Sec. 25.104. - Executive Director; authority to hire consultants.

- (a) (1) Subject to the approval of the Board, the County Executive shall nominate one or more candidates for Executive Director, who shall be the Chief Administrative Officer of the Revenue Authority.
- (2) The Executive Director:
 - (i) Shall serve at the pleasure of the Board and the County Executive; and
 - (ii) May be removed from office either by the County Executive with the concurrence of the Board or by a two-thirds vote of the Board.

- (3) The duties, responsibilities, and compensation of the Executive Director shall be determined by the Board.
 - (4) The Executive Director shall appoint or employ any additional professional, technical, or clerical staff necessary to carry out the Revenue Authority's duties, and shall determine their qualifications, duties, and compensation.
- (b) The Board may engage any necessary accountants, engineers, financial advisors, or other consultants.

(C.B. 69, 2005, § 2)

State Law reference— 2005 Laws of Maryland, Ch. 95.

Sec. 25.105. - Powers and authority.

- (a) The powers granted to the Revenue Authority may not be construed to authorize the revenue authority to:
- (1) Preempt or supersede the regulatory authority of any State or County department or agency; or
 - (2) Engage in any activity which is beyond its stated purpose or powers.
- (b) In addition to other powers granted to it under this subtitle or by local legislation enacted by the County, the Revenue Authority has the following powers:
- (1) To develop and annually update the plan for the County;
 - (2) To implement the plan for the County;
 - (3) To make, amend, and repeal bylaws, rules, and regulations in a manner consistent with this act and in compliance with the provisions of the Howard County Administrative Procedures Act;
 - (4) To have a seal and alter the seal at its pleasure;
 - (5) To purchase, lease, hold, or obtain options on real or personal property or interest in real or personal property as these are necessary for the efficient regular operation of the Revenue Authority;
 - (6) To acquire real or personal property or interest in real or personal property by gift, grant, bequest, devise, or other means;
 - (7) To sell, lease, transfer, exchange, assign, pledge, or dispose of any real or personal property or any interest in real or personal property as these are necessary for the efficient regular operation of the Revenue Authority;
 - (8) To receive and accept any contribution, gift, or grant from any public or private source;
 - (9) To establish and appoint advisory groups and committees to assist in carrying out the duties of the Revenue Authority;
 - (10) To exercise any power possessed by private corporations in performing similar functions, which is not in conflict with Federal, State, or County law; and
 - (11) To do all things necessary and convenient to carry out the powers and duties set forth in this act.

(C.B. 69, 2005, § 2)

State Law reference— 2005 Laws of Maryland, Ch. 95.

Sec. 25.106. - Updating the existing plan; plan requirements.

- (a) On or before October 30 of each year, the Revenue Authority shall submit a plan for an update to the existing plan to the County Executive for the County Executive's approval.
- (b) The plan:
 - (1) Shall include an annual work program for the next fiscal year with a proposed level of funding;
 - (2) Shall be consistent with the general plan, the prevailing zoning map and regulations, and the subdivision and land development regulations for the County; and
 - (3) Shall promote the quality of life of the County residents.

(C.B. 69, 2005, § 2)

State Law reference— 2005 Laws of Maryland, Ch. 95.

PART II. - LOCAL PROVISIONS.

Sec. 25.107. - Revenue Authority established.

The Howard County Revenue Authority is hereby established pursuant to Chapter 95 of the Laws of Maryland, 2005 and Part I of Subtitle I of Title 25 of this Code.

(C.B. 69, 2005, § 3)

Sec. 25.108. - Number of members on the Board of Directors.

There is a Board of Directors of the Revenue Authority that shall have five voting members appointed by the County Executive and approved by the County Council.

(C.B. 69, 2005, § 3)

Sec. 25.109. - Submission of budget request to the County.

The Revenue Authority shall submit any operating budget request to the County Executive on or before a date set by the County Executive.

(C.B. 69, 2005, § 3)

Sec. 25.110. - Condemnation.

The Revenue Authority may not exercise the power of eminent domain to condemn property.

(C.B. 69, 2005, § 3)

Sec. 25.111. - Severability.

If any provision of this subtitle or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity shall not affect other provisions or any other application of this subtitle which can be given effect without the invalid provision or application, and for this purpose the provisions of this subtitle are severable.

(C.B. 69, 2005, § 3)

TITLE 26 - ECONOMIC DEVELOPMENT

SUBTITLE 1. - ECONOMIC DEVELOPMENT AUTHORITY⁽¹⁾

Footnotes:

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Editor's note— Subtitle 1, §§ 26.100—26.110 is derived from 1993 Laws of Maryland ch. 356. The headings were added editorially for ease of reading and were not part of the legislation as passed.

Sec. 26.100. - Definitions.

- (a) In this subtitle the following words have the meanings indicated:
- (b) *Authority* means the Howard County Economic Development Authority.
- (c) *Board* means the Board of Directors of the Howard County Economic Development Authority.
- (d) *County* means Howard County.
- (e) *Economic development plan or plan* means the document that:
 - (1) Is prepared by the Authority and approved by the County Executive; and
 - (2) Outlines or presents a strategy for promoting economic development in the County.

(1993, ch. 356)

Sec. 26.101. - Establishment and purpose.

- (a) *Establishment*. There is a body corporate and politic known as the Howard County Economic Development Authority.
- (b) *Essential Public Function*. In carrying out the powers and duties conferred by this subtitle, the Economic Development Authority is performing an essential public function.
- (c) *Purpose*. The purpose of the Economic Development Authority is to:
 - (1) Develop and implement an economic development plan for Howard County;
 - (2) Promote economic development, relieve conditions of unemployment, and encourage new job creation in Howard County;
 - (3) Encourage the location of new industry, commerce and business for a balanced economy in the County;
 - (4) Assist in the retention of existing business and industry in the County and increase its commerce; and
 - (5) Generally promote the economic health, welfare, and quality of life of the residents of Howard County.

(1993, ch. 356)

Sec. 26.102. - Board of Directors.

- (a) *Establishment.* There is a Board of Directors of the Authority, which shall manage the affairs of the Authority and exercise all its corporate powers.
- (b) *Number of Board Members; Appointment:*
 - (1) The Board shall have 13 voting members appointed by the County Executive with the approval of the County Council.
 - (2) The Chairman of the Mid-Maryland Private Industry Council shall designate a Howard County private sector representative from the Council to be an ex officio nonvoting member.
- (c) *Qualifications of Board Members:*
 - (1) Board members shall either be residents of Howard County or persons with business interests in the County.
 - (2) Board members shall be selected for known leadership, experience, and interest in the economic well-being of the County and shall represent a cross section of the County.
 - (3) Employees of the County, employees of the Authority, or elected officials of the County are not eligible to serve as board members.
- (d) *Terms of Office:*
 - (1) (i) Except for the ex officio nonvoting member, board members shall serve staggered terms of four years, as required by the terms provided for members of the Board of July 1, 1993.
(ii) At the end of a term, a board member continues to serve until a successor is appointed and qualifies.
 - (2) A board member who is appointed to complete an unexpired term, serves only for the rest of that term or until a successor is appointed and qualifies.
 - (3) A member may not be reappointed after having served eight or more consecutive years immediately before appointment.
- (e) *Removal from Office:*
 - (1) A member may be removed for incompetence, misconduct, or failure to perform the duties of the position.
 - (2) Removal shall be pursuant to the provisions of section 903 of the Howard County Charter.
- (f) *Officers of the Board:*
 - (1) The Board shall elect one of its members as Chair, one as Vice-Chair, and one as Secretary-Treasurer, to serve two-year terms.
 - (2) Officers may be reelected for an unlimited number of terms during their membership on the Board.
- (g) *Quorum; Meetings:*
 - (1) Seven members of the Board, excluding the ex officio nonvoting member constitute a quorum for the purpose of conducting business.
 - (2) The affirmative vote of at least seven members is required before the Board may take action.
 - (3) The Board shall meet at least once each month at the times and places that it determines and more often at the call of the chair.
- (h) *Compensation.* The Board members shall receive no compensation for their services except reasonable and necessary expenses (including travel expenses) incurred in the discharge of their duties as provided in the Authority's budget.

(1993, ch. 356; 1996, ch. 268)

Sec. 26.103. - Executive Director.

(a) *Appointment; Staff:*

- (1) Subject to the approval of the Board, the County Executive shall nominate one or more candidates for Executive Director, who shall be the Chief Administrative Officer of the Authority.
- (2) The Executive Director:
 - (i) Shall serve at the pleasure of the Board and the County Executive; and
 - (ii) May be removed from office either by the County Executive with the concurrence of the Board or by a two-thirds vote of the Board.
- (3) The duties, responsibilities, and compensation of the Executive Director shall be as determined by the Board.
- (4) The Executive Director shall appoint or employ any additional professional, technical, or clerical staff necessary to carry out the Authority's duties, and shall determine their qualifications, duties and compensation.

(b) *Staff and Services:*

- (1) The Board may use in-kind services of the County departments and agencies for needs associated with implementation of the economic development plan.
- (2) The Board may engage any necessary accountants, engineers, financial advisors, or other consultants.

(1993, ch. 356)

Sec. 26.104. - Torts, claims, ethics.

- (a) *Local Government Employees.* The Board, officers, Executive Director, and employees of the Economic Development Authority are local government employees for the purposes of title 5, subtitle 4 of the courts article of the Annotated Code of Maryland (the Local Government Tort Claims Act).
- (b) *Good-Faith Exercise of Powers.* No claim may arise against and no liability may be imposed on a Board member for a statement made or action taken in good-faith exercise of the powers granted and duties imposed under this subtitle.
- (c) *Howard County Public Ethics Law.* The Board, officers, Executive Director, and employees of the Authority are local officials for the purposes of title 6 of article 40A of the Annotated Code of Maryland and are therefore subject to the Howard County Public Ethics Law [section 22.200 et seq.].
- (d) *Conflict of Interest:*
 - (1) A Board member may not participate in a decision related to the approval of a contract if the Board member has any interest, direct or indirect, in the project or contract under consideration by the Authority.
 - (2)
 - (i) If a Board member has an interest in a project or contract which is under consideration by the Authority, the Board member shall disclose the interest in writing to the other members of the Authority and the disclosure shall be entered into the minutes of the Authority.
 - (ii) Failure to disclose an interest shall constitute misconduct in office.

(1993, ch. 356)

Sec. 26.105. - Financial reports and records.

- (a) *Annual Financial Report.* Subject to section 22.1000 of the County Code, within 90 days after the end of the County's fiscal year, the authority shall send the County Executive and the County Council an annual financial report:
- (1) Concerning:
 - (i) The activities of the Authority during the fiscal year;
 - (ii) The Authority's financial standing at the end of the fiscal year; and
 - (iii) Recommendations for the improvement and advancement of the economic welfare of the County; and
 - (2) Containing the audit report required under subsection (b)(2) of this section.
- (b) *Records:*
- (1) The Authority shall keep records consistent with sound business practices and accounting records using generally accepted accounting principles.
 - (2) The Authority shall have its books and records audited at the conclusion of each fiscal year.
 - (3) The books and records of the Authority shall be subject to audit, examination and inspection at any reasonable time by the County Executive or County Council or their designees.
 - (4) In addition to any financial audit required by this section, the County may conduct financial or management audits.

(1993, ch. 356; 1994, ch. 35; 1996, ch. 268; C.B. 43, 2018, § 1)

Sec. 26.106. - Powers of the Authority.

- (a) *Restrictions.* The powers granted to the Authority may not be construed to authorize the Authority to:
- (1) Engage in any speculative land transactions;
 - (2) Preempt or supersede the regulatory authority of any State or County department or agency;
 - (3) Participate in the zoning process; or
 - (4) Engage in any activity which is beyond its stated purpose or powers.
- (b) *Powers.* The Authority has the following powers:
- (1) To develop and annually update the economic development plan for the County;
 - (2) To implement the economic development plan for the County;
 - (3) To make, amend, and repeal bylaws, rules and regulations in a manner consistent with this subtitle and in compliance with the provisions of the Howard County Administrative Procedure Act [appendix B];
 - (4) To coordinate the industrial development bond program and other financing programs to assist economic development in the County;
 - (5) To cooperate and coordinate efforts with the private industry council in maximizing employment and economic development opportunities;
 - (6) To cooperate and coordinate with the Agricultural Land Preservation Board in promoting and enhancing the agricultural industry in the County;
 - (7) To sue and be sued;

- (8) To have a seal and alter the seal at its pleasure;
- (9) To have perpetual succession;
- (10) To make and execute contracts and other legal instruments necessary or convenient to the exercise of its powers and as necessary for the efficient regular operation of the Authority;
- (11) To purchase, lease, use, hold, or obtain options on real or personal property or interest in real or personal property as these are necessary for the efficient regular operation of the Authority;
- (12) To acquire real or personal property or interest in real or personal property by gift, grant, bequest, devise, or other means;
- (13) To sell, lease, transfer, exchange, assign, pledge or dispose of any real or personal property or any interest in real or personal property as these are necessary for the efficient regular operation of the Authority;
- (14) To apply for and accept any loans, grants or assistance of any kind from the Federal, State, or local government or from any private source including high-technology grants for technology development in maximizing new and existing economic development opportunities;
- (15) To receive and accept any contribution, gift, or grant from any public or private source;
- (16) To establish and appoint advisory groups and committees to assist in carrying out the duties of the Authority;
- (17) To contract for the use of services, equipment, or space needs from governmental agencies;
- (18) To exercise any power possessed by private corporations in performing similar functions, which is not in conflict with Federal, State or County law; and
- (19) To do all things necessary and convenient to carry out the powers and duties set forth in this subtitle.

(1993, ch. 356)

Sec. 26.107. - Appropriation to implement economic development plan.

(a) *Submission of Plan; Nature of Plan:*

- (1) On or before October 30 of each year the Authority shall submit an economic development plan or an update to the existing plan to the County Executive for the Executive's approval.
- (2) The economic development plan:
 - (i) Shall include an annual work program for the next fiscal year with a proposed level of funding;
 - (ii) Shall be consistent with the general plan, the prevalent zoning map and regulations, and the subdivision and land development regulations of the County;
 - (iii) Shall foster a strong, stable economy in the County by supporting existing businesses and attracting targeted new business;
 - (iv) Shall promote the quality of life of the County residents; and
 - (v) May not include or encourage the promotion of speculative land transactions by the Authority.

(b) *Submission of Budget Request to County Executive:*

- (1) On or before March 1 of each year and in a form approved by the County, the Authority shall submit to the County Executive an operating budget request to implement the approved economic development plan.

- (2) The operating budget request shall include funding solely for implementing the annual work program portion of the approved economic development plan.
- (3) The operating budget request shall not include any requested funding for speculative land transactions or for any loan program funded solely by the County.
- (c) *County Executive's Budget Includes Appropriation to Implement Economic Development Plan.* The proposed budget of the County Executive for the next fiscal year shall include an appropriation to implement the annual work program portion of the approved economic development plan.
- (d) *County Council Appropriates Funds.* In acting upon the proposed budget of the County Executive for the next fiscal year, the County Council shall, consistent with its Charter powers in approving the budget, review and approve an appropriation of funds to implement the annual work program portion of the approved economic development plan.
- (e) *Reduction of Appropriation During Fiscal Year.* Notwithstanding the provisions of this section or any other provision of this subtitle, the County may reduce an appropriation to implement the annual work program portion of the approved economic development plan during a fiscal year if:
 - (1) Revenues for the current fiscal year are anticipated to be substantially below the revenue included in the County's current fiscal year budget; or
 - (2) The County experiences any other financial hardship or economic condition that requires the County to reduce expenditures authorized in its current fiscal year budget.

(1993, ch. 356)

Sec. 26.108. - General provisions.

- (a) *Open Meetings; Public Documents.* The Authority and its officers and employees are subject to sections 10.611 through 10.628 of the State Government article (the Public Information Act).
- (b) *Public Body.* For purposes of applying for, receiving, and entering into agreements in connection with grants, insurance, or other forms of financial assistance, the Authority shall be considered a public body.
- (c) *Pensions.* For purposes of article 73B (pensions) of the Annotated Code of Maryland, the Authority shall be considered a municipal corporation.
- (d) *Taxation.* The Authority is exempt from taxation by the State and the County.

(1993, ch. 356)

Sec. 26.109. - Local legislation.

- (a) The County may enact legislation concerning the Authority if the legislation is consistent with this subtitle.
- (b) The powers conferred by this subtitle may be exercised by the Authority pursuant to and in accordance with:
 - (1) Local law enacted by Howard County; or
 - (2) A contract or contracts with the County.

(1993, ch. 356)

Sec. 26.110. - Severability.

If any provisions of this subtitle or the application thereof to any person or circumstances is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect the other provisions or any other application of this subtitle which can be given effect without the invalid provision or application, and for this purpose the provisions of the subtitle are declared severable.

(1993, ch. 356)

SUBTITLE 2. - ECONOMIC DEVELOPMENT GRANT ASSISTANCE PROGRAM^[2]

Footnotes:

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Editor's note— C.B. 7, 1993 renumbered former §§ 13.1300—13.1909 as subtitle 2 of a newly created title 26.

Sec. 26.200. - Purpose.

The purposes of the Economic Development Grant Assistance Program are:

- (a) To develop the economic strength of the County through efficient use of public and private resources;
- (b) To foster cooperation and partnership between the public and private sectors in the area of economic development;
- (c) To encourage private organizations to support the economic development of the County by providing financial and/or educational resources for new and expanding businesses;
- (d) To identify and develop resources available for the support of developing businesses; and
- (e) To assist the County by providing incentives for private organizations to promote industrial, commercial and economic development, especially of new and desirable industries.

(C.B. 100, 1992; C.B. 7, 1993)

Sec. 26.201. - Establishment.

There is an Economic Development Grant Assistance Program administered by the County Executive or the County Executive's designee. The designee may be the Economic Development Authority if the Authority agrees to accept this responsibility.

(C.B. 100, 1992; C.B. 7, 1993)

Sec. 26.202. - Definitions.

- (a) *Budget* means the annual operating budget approved by the County Council pursuant to article VI of the Howard County Charter.
- (b) *Authority* means the Howard County Economic Development Authority.
- (c) *County Executive* means the County Executive of Howard County or the County Executive's designee.
- (d) *Sponsor* means an organization which:

- (1) The Internal Revenue Service has qualified as exempt under subsection 501(c)(3) of the Internal Revenue Code;
- (2) Has a primary goal of promoting and advancing economic growth and employment opportunities in Howard County;
- (3) Operates a grant and/or loan program in Howard County for small businesses and start-up businesses which cannot qualify for commercial bank loans; and
- (4) Funds its grant and/or loan program substantially with private funds.

(C.B. 100, 1992; C.B. 7, 1993)

Sec. 26.203. - Regulations.

The County Executive shall develop rules and regulations for the administration of the Economic Development Grant Assistance Program, including criteria for the approval of applications and the awarding of financial and in-kind grants.

(C.B. 100, 1992; C.B. 7, 1993)

Sec. 26.204. - Source of funds or in-kind assistance.

- (a) The County Executive may provide assistance to sponsors in the form of grant funds or in-kind assistance.
- (b) Funds or the cost of in-kind assistance granted by the County Executive shall have been appropriated to the Economic Development Grant Assistance Program in the County Executive's budget.

(C.B. 100, 1992; C.B. 7, 1993)

Sec. 26.205. - Application process.

- (a) *Preapplication Process.* Sponsors are encouraged to consult with the County Executive in developing and implementing their programs. The County Executive will be available for advice and consultation throughout the process.
- (b) *Submission of Application.* A sponsor shall submit an application for the Economic Development Grant Assistance Program for the next fiscal year to the County Executive by January 1 of the current fiscal year. The application shall include:
 - (1) The name and address of the sponsor;
 - (2) The name and phone number of a contact person in the sponsor's organization;
 - (3) Proof of the sponsor's qualification as a 501(c)(3) organization;
 - (4) A description of the sponsor and its economic development program;
 - (5) The sponsor's history in relation to economic development in the County, including the names and addresses of businesses which have been assisted;
 - (6) The amount of the grant or the amount and type of in-kind assistance which the sponsor is requesting from the County;
 - (7) The specific program(s) where the grant funds or in-kind assistance will be used, including criteria for businesses to receive grants or loans.

(C.B. 100, 1992; C.B. 7, 1993)

Sec. 26.206. - Granting of funds or in-kind assistance.

- (a) *Review by Executive.* The County Executive, after reviewing the application, shall determine the amount of money or in-kind assistance, if any, to grant during the next fiscal year to each sponsor who has applied.
- (b) *Special Factors to be Considered in Determining Grants or In-Kind Assistance.* In making determinations, the County Executive shall consider the ultimate economic and social benefits to be gained, including the provision of services and funds to viable businesses which would otherwise not be adequately capitalized and to businesses which have been historically under-utilized such as enterprises owned by minorities, women, and persons with disabling conditions.
- (c) *Grant Agreement.* If the County Executive decides to grant funds or in-kind assistance to a sponsor, a grant agreement shall be executed between the County and the sponsor setting out the amount and terms of the grant or in-kind assistance.

(C.B. 100, 1992; C.B. 7, 1993)

Sec. 26.207. - Reporting requirement.

A sponsor who receives a grant of funds or in-kind assistance from the Economic Development Grant Assistance Program in any fiscal year shall provide the County with a financial report by the next October 1 following the end of that fiscal year. In addition, the sponsor's financial records shall be available for inspection by the County during the course of the fiscal year and for three years thereafter.

(C.B. 100, 1992; C.B. 7, 1993)

Sec. 26.208. - Conditions.

As a condition of the County's financial or in-kind assistance, the sponsor agrees to:

- (a) Make its programs available to developing commercial and industrial businesses;
- (b) Encourage and support minority-owned businesses and businesses owned by disabled or disadvantaged persons so that they may become independent and viable contributors to the County's economy;
- (c) Encourage development of businesses that will generate additional employment opportunities in Howard County;
- (d) Encourage participating businesses to seek appropriate training and education to enable them to succeed; and
- (e) Educate businesses to become aware of and utilize the resources provided by other government and community organizations.

(C.B. 100, 1992; C.B. 7, 1993)

Sec. 26.209. - Severability.

If any part of this subtitle is held invalid, the invalidity shall not affect the other parts.

(C.B. 100, 1992; C.B. 7, 1993)

SUBTITLE 3. - ECONOMIC DEVELOPMENT INCENTIVE FUND AUTHORIZATION

Sec. 26.300. - [Issuer fees established.]

- (a) In this subtitle, *revenue bonds* means bonds authorized under the Maryland Economic Development Revenue Bond Act.
- (b)
 - (1) Howard County may establish, by law, an issuer fee for issuing or refinancing revenue bonds pursuant to the Maryland Economic Development Revenue Bond Act.
 - (2) An issuer fee established under this subsection:
 - (i) May be in addition to any application fee; but
 - (ii) May not exceed the limits specified in this section.
 - (3) In enacting a law establishing an issuer fee, Howard County may exempt from the fee certain categories of revenue bonds.
 - (4) Revenues from the issuer fee may only be used for the purposes and in the manner specified in this subtitle.
- (c)
 - (1) An issuer fee may not exceed:
 - (i) For revenue bonds providing initial financing, an amount equal to one-eighth of one percent per annum of the outstanding principal balance of the bonds (not to exceed \$10,000,000.00), discounted at the bond yield to the date of issue of the bonds; or
 - (ii) For revenue bonds used to refund existing revenue bonds one-fourth of one percent of the principal amount of the bonds.
 - (2) The issuer fee may not exceed an amount that is in excess of the amount allowed under the arbitrage limitations under the Internal Revenue Code and regulations adopted under the Internal Revenue Code.
- (d) If the County establishes an issuer fee, the Director of Finance shall place all revenue collected through the fee in the economic development incentive fund.

(1996, Ch. 640)

Editor's note— Sections 26.300 and 26.301 is derived from 1996 Laws of Maryland ch. 640. The catchlines were added editorially for ease of reading and were not part of the legislation as passed. Section 26.301 was amended by 2000 Laws of Maryland, ch. 193.

Sec. 26.301. - Nonreverting special revenue funds established.

- (a) If the County establishes an issuer fee under section 26.300 of this subtitle, there is established a nonreverting special revenue fund known as the economic development incentive fund.
- (b) The economic development incentive fund consists of:
 - (1) Issuer fees established under section 26.300 of this subtitle; and
 - (2) Other money appropriated to the fund through the County's budgetary process.
- (c) The economic development incentive fund may be used:
 - (1) To retain, expand, or relocate existing businesses in the County;
 - (2) To encourage and support the creation of new businesses in the County; and

- (3) For purposes consistent with items (1) and (2) of this subsection, as part of a matching requirement to obtain funding or financing from a State agency or entity affiliated with State government or to enhance State Government grants.
- (d) Howard County may enact a local law to administer the use of money from the economic development incentive fund.

(1996, Ch. 640; 2000, Ch. 193)

Note— See the editor's note following § 26.300.

Sec. 26.302. - Establishment and amount of issuer fee; application fee.

- (a) *Issuer Fee Established.* There is an issuer fee imposed by the County for issuing or refinancing revenue bonds pursuant to the Maryland Economic Development Revenue Bond Act.
- (b) *Application Fee; Amount of Issuer Fee:*
 - (1) *Application fee:*
 - (i) The fee established by resolution of the County Council pursuant to section 22.600 of the County Code shall be paid upon application for the issuance or refinancing of revenue bonds pursuant to the Maryland Economic Development Revenue Bond Act.
 - (ii) The application fee under this paragraph is nonrefundable.
 - (2) *Issuer fee.* Subject to paragraph (3) of this subsection, the issuer fee under this subsection is:
 - (i) For revenue bonds providing initial financing, an amount equal to one-eighth of one percent per annum of the outstanding principal balance of the bonds (not to exceed \$10,000,000.00), discounted at the bond yield to the date of issue of the bonds, minus the application fee paid; or
 - (ii) For revenue bonds used to refund existing revenue bonds, one-fourth of one percent of the principal amount of the bonds, minus the application fee paid.
 - (3) *Limit on issuer fee.* If the issuer fee established under this subsection exceeds the amount allowed under subsection 26.300(c)(2) of this subtitle, the issuer fee shall be the greatest amount that does not exceed the amount allowed under that section.
- (c) *Payment of Fee.* The issuer fee applies to all bonds for which the closing is held after September 1, 1996. The issuer fee shall be paid at the time of closing, unless the County agrees to accept the fee in installments.

(C.B. 55, 1996)

Sec. 26.303. - Administration of economic development incentive fund.

The Howard County Economic Development Authority shall:

- (1) Administer the economic development incentive fund established under section 26.301 of this subtitle;
- (2) Develop an application form and procedures for administration of the fund; and
- (3) Subject to section 22.1000 of the County Code, report annually to the County Executive and the County Council on the activities of the fund.

(C.B. 55, 1996; C.B. 43, 2018, § 1)

TITLE 27 - TECHNOLOGY AND COMMUNICATIONS

SUBTITLE 1. - DEPARTMENT OF TECHNOLOGY AND COMMUNICATION SERVICES

Sec. 27.100. - General provisions.

General provisions regarding the Department of Technology and Communication Services are set forth in subtitle 2, "administrative departments and offices" of title 6, "County Executive and Executive Branch" of the Howard County Code.

(C.B. 16, 1996)

Sec. 27.101. - Department of Technology and Communication Services.

- (a) *Head.* The Director of Technology and Communication Services shall be the head of the Department of Technology and Communication Services.
- (b) *Qualifications of Director of Technology and Communication Services.* The Director of Technology and Communication Services shall be appointed on the basis of managerial and administrative skills and experience as well as knowledge of information processing and communications systems.
- (c) *Duties and Responsibilities.* As provided in this subsection, the Department of Technology and Communication Services shall plan, implement, and maintain the computer, information, and communications systems serving County Government, and shall perform such other functions as may be prescribed by the County Executive or by law.
 - (1) *Information systems services.* The Department shall provide cost-effective and efficient information systems services to all agencies of County Government, and shall:
 - (i) Establish and maintain major information systems processing services;
 - (ii) Plan overall information systems processing capability to satisfy user requirements;
 - (iii) Research to ensure that new processing developments in information systems applications, equipment and techniques are evaluated for possible use by the County;
 - (iv) Coordinate the purchasing of all information services systems equipment;
 - (v) Comply with industry standards for conduct of information systems operations and the development and installation of applications; and
 - (vi) Perform such other functions as may be prescribed by the County Executive or by law.
 - (2) *Central communications.* The Department shall provide central communications services and telephone and radio equipment for the County, and shall:
 - (i) Acquire and inventory of all telephone and audio equipment;
 - (ii) Install and maintain the telephone system, including installation of new telephones or relocation of existing telephones;
 - (iii) Install and maintain the radio communications system, including all fixed, mobile and portable radios and associated facilities;
 - (iv) Provide technical advice to telephone and radio system users;
 - (v) Manage contracts associated with telephone or radio equipment and/or services;
 - (vi) Manage the radio maintenance fund for communication equipment;
 - (vii) Bill departments and agencies for telephone use costs; and
 - (viii) Prepare telephone use reports:

- (3) *Records management.* The Department shall provide records management services for the County, and shall:
 - (i) Establish standards and procedures for the management of County records.
 - (ii) Manage a records storage center.
 - (iii) Subject to approval by the Chief Administrative Officer, select the method to be used for preserving County records that are designated for permanent retention.
 - (iv) Review each department's records retention and disposal schedules and submit them to the required State agencies for approval.
- (4) *Cable television.* The Department shall, through the Cable Administrator, implement the provisions of the Howard County Cable Television Systems Franchise Act (title 14, subtitle 4 of the Howard County Code).
- (5) *Automated mapping geographic information systems.* The Department shall manage the County's automated mapping geographic information systems, and may, under title 10, subtitle 9 of the State Government article of the Annotated Code of Maryland, implement a program to sell system products to the public.

(C.B. 16, 1996; C.B. 60, 2001, § 1)

TITLE 28 - DOWNTOWN COLUMBIA

SUBTITLE 1. - DOWNTOWN COLUMBIA PARTNERSHIP

Sec. 28.100. - Legal authority, findings, purpose, and legislative intent.

- (a) *Authority.* This subtitle is enacted in accordance with Article 25A, § 5(FF) of the Maryland Code and the Downtown Columbia Plan, a general plan amendment.
- (b) *Findings.* The Howard County Council finds that a Downtown Columbia Partnership is required to carry out portions of the Downtown Columbia Plan.
- (c) *Purposes.* The purposes of the Downtown Columbia Partnership are:
 - (1) Promotion;
 - (2) Marketing; and
 - (3) The provision of security, maintenance, or amenities within the District.
- (d) *Intent.* The powers conferred on the Downtown Columbia Partnership are intended to be broadly construed so that the Downtown Columbia Partnership can carry out its purposes under the Downtown Columbia Plan and this title.

(C.B. 24, 2012, § 1)

Sec. 28.101. - Definitions.

In this title, the following words have the meaning indicated:

- (a) *Board of Directors.* Board of Directors means the Board of Directors of the Downtown Columbia Partnership.
- (b) *CEPPA.* CEPPA means the Community Enhancements, Programs, and Public Amenities specified in the Downtown Columbia Plan.

- (c) *Community Developer.* Community developer means the entity or group of entities serving in the capacity of community developer of downtown Columbia as described in the Downtown Columbia Plan.
- (d) *County.* County means Howard County, Maryland.
- (e) *District.* District means the Downtown Columbia Management District specified in this title.
- (f) *Downtown Columbia Housing Fund.* Downtown Columbia Housing Fund means a separate, nonlapsing fund received from various sources by the Downtown Columbia Partnership and made available to provide affordable housing assistance as an amenity within the District as described in the Downtown Columbia Plan, the Downtown CEPPA implementation chart, and this title.
- (g) *Downtown Columbia Partnership.* Downtown Columbia Partnership means the Downtown Columbia Partnership created in this title and described in the Downtown Columbia Plan.
- (h) *Downtown Columbia Plan.* Downtown Columbia Plan means the Downtown Columbia Plan enacted by Council Bill 58-2009.

(C.B. 24, 2012, § 1)

Sec. 28.102. - Downtown Columbia Management District established.

- (a) *Established.* There is a Downtown Columbia Management District.
- (b) *Jurisdictional Boundaries.* The District consists of the area specified in section 103A.(41) of the Howard County Zoning Regulations and the pathways required by CEPPA 12 and CEPPA 18.

(C.B. 24, 2012, § 1)

Sec. 28.103. - Downtown Columbia Partnership established.

- (a) *Established.* There is a Downtown Columbia Partnership.
- (b) *Status.* The Downtown Columbia Partnership:
 - (1) Is an independent entity that is not within the executive or legislative branches of County Government;
 - (2) Is a public instrumentality of the County;
 - (3) Is the commercial district management authority for Downtown Columbia;
 - (4) May exercise its powers to the extent not inconsistent with Article 25A, Section 5(FF) of the Maryland Code or this title; and
 - (5) Performs tasks of benefit to the Downtown Columbia Management District.

(C.B. 24, 2012, § 1)

Sec. 28.104. - Charter provisions inapplicable.

In accordance with the authority granted to the County by Article 25A, § 5(FF) of the Annotated Code of Maryland provisions of the Howard County Charter that are inconsistent with this subtitle are inapplicable to the Downtown Columbia Partnership.

(C.B. 24, 2012, § 1)

Sec. 28.105. - Board of Directors of the Downtown Columbia Partnership.

- (a) *Composition.* The Downtown Columbia Partnership shall have a Board of Directors that consists of seven members. Four members shall be ex officio members and three members shall be as set forth in subsection (d) of this section.
- (b) *Qualifications.* Each member of the Board of Directors shall:
 - (1) Reside or work in Howard County; and
 - (2) Have knowledge, training, or experience related to the responsibilities of the Downtown Columbia Partnership.
- (c) *Ex Officio Members.*
 - (1) The following persons or their designees are ex officio members of the Board of Directors:
 - (i) The highest ranking officer of the community developer that is responsible for Downtown Columbia and initial operating funding of the partnership;
 - (ii) The General Manager of the mall in Columbia;
 - (iii) The President of the Columbia Association; and
 - (iv) The County Executive.
 - (2) The Downtown Columbia Partnership bylaws shall provide that each member of the Board of Directors, including each ex-officio member, has the same voting rights.
 - (3) Except for the community developer, if a private entity declines to have a representative to serve as an ex officio member of the Board of Directors, a replacement shall be appointed by the County Executive and confirmed by the County Council.
- (d) *Additional Members.* The three additional members shall be as follows:
 - (1) Until 500,000 square feet gross leasable area of new commercial uses are developed, three representatives from the community developer shall serve on the Board of Directors.
 - (2) Upon the development of 500,001 square feet gross leasable area of new commercial uses:
 - (i) One member of the Board of Directors shall represent the membership required by CEPPA 25 of the Downtown Columbia Plan; and
 - (ii) Two members of the Board of Directors shall be appointed by the County Executive, confirmed by the County Council, and shall:
 - a. Own or operate a business located in the district;
 - b. Own commercial property located in the district; or
 - c. Reside in or in close proximity to the district.
- (e) *Term.*
 - (1) The term of an appointed member of the Board of Directors is three years but a member shall serve until a successor is appointed and qualifies.
 - (2) Except as provided in paragraph (3) of this subsection, an appointed member may be reappointed at the end of a term.
 - (3) An appointed member who has served two consecutive terms may be reappointed if at least one year has elapsed since the end of the member's second term.
 - (4) There is no limit on the total number of terms that an appointed member may serve.
 - (5) A member appointed pursuant to subsection 28.105(d)(2)(ii) of this section may be removed for any reason by:

- (i) The County Executive, subject to the approval of the County Council; or
 - (ii) The County Council, subject to approval of the County Executive.
- (6) An appointed member who is absent for three consecutive regular meetings of the Board of Directors, unless excused by vote of the Board of Directors, shall be deemed to have resigned.
- (f) *Compensation.* The members of the Board of Directors shall serve without compensation but may be entitled to reimbursement for expenses in accordance with the bylaws of the Downtown Columbia Partnership.
- (g) *Quorum; Meetings.*
- (1) Six members of the Board of Directors is a quorum.
 - (2) The Board of Directors shall meet at least six times a year at the times and places it designates.
- (h) *Procedures.* The Board of Directors may establish rules of procedure.
- (i) *Duties.* The Board of Directors shall direct the program, management, and finances of the Downtown Columbia Partnership.

(C.B. 24, 2012, § 1)

Sec. 28.106. - Bylaws.

- (a) (1) Within six months of its establishment, the Board of Directors shall adopt bylaws for the Downtown Columbia Partnership.
- (2) The Board of Directors shall submit the bylaws to the County Council for approval.
- (3) By resolution, the County Council may approve the bylaws with or without amendments.
- (4) If the County Council fails to take action on the bylaws within 120 days of receiving them, the failure to take action constitutes approval of the bylaws.
- (b) The bylaws may contain any legal provision not inconsistent with this title to manage the affairs of the Downtown Columbia Partnership.
- (c) The bylaws shall:
 - (1) Set ethical standards and disclosure requirements for members of the Board of Directors, members of Advisory Committees, and employees of the Downtown Columbia Partnership in order to protect against any conflict of interest or other impropriety. The ethical standards and disclosure requirements shall include:
 - (i) A provision prohibiting self-dealing and collusive practices;
 - (ii) A provision for the disclosure of a financial or similar interest of any person in any matter before the partnership including the establishment of conditions under which that person is disqualified from participating in decisions or other actions in which there is a conflict between the person's official duties and private interests; and
 - (iii) Appropriate remedies against violation, including removal of Board Members or termination of employment.
 - (2) Provide for surety bonds or similar instruments to protect against misappropriation of funds;
 - (3) Provide for reasonable and appropriate insurance for the activities of the Downtown Community Partnership; and
 - (4) Provide for transparency in accordance with section 28.120 of this title.

(C.B. 24, 2012, § 1)

Sec. 28.107. - Duties.

The Downtown Columbia Partnership shall:

- (1) Fulfill the responsibilities assigned to it by the Downtown Columbia Plan, including the responsibilities assigned to it by the CEPPAS;
- (2) Market the District as a vibrant, economically robust, and desirable place to live, work, and play;
- (3) Beautify the District and maintain open spaces and amenity areas including the pathways required by CEPPA 12 and CEPPA 18;
- (4) Contract with the Downtown Columbia Housing Foundation as described in this title to provide affordable housing assistance as an amenity within the District in accordance with the Downtown Columbia Plan, the Downtown CEPPA Implementation Chart and section 28.116 of this title;
- (5) Utilize at least 50 percent of the revenue collected pursuant to CEPPA 25 for the implementation of transportation initiatives in the shuttle feasibility study or other direct transit services within the district;
- (6) Facilitate the implementation of the community framework for environmental sustainability in accordance with the environmental sustainability program as described in the Downtown Columbia Plan;
- (7) Coordinate with the Columbia Association, the County, property owners, and others for programming spaces that are intended for public use in the District;
- (8) Promote and contract with the County Office of Transportation to implement the Transportation Demand Management Plan in accordance with the Downtown Columbia Plan; and
- (9) Promote public safety and provide security patrols.

(C.B. 24, 2012, § 1)

Sec. 28.108. - Coordination with County units.

When addressing an issue within an area subject to County Government oversight, the partnership shall coordinate with the appropriate unit of County Government.

(C.B. 24, 2012, § 1)

Sec. 28.109. - Advisory Committees to the Downtown Columbia Partnership.

(a) *Downtown Columbia Partnership Advisory Committee.*

- (1) There is a Downtown Columbia Partnership Advisory Committee.
- (2) The Downtown Columbia Partnership Advisory Committee shall have 11 members. Six members shall be ex officio members and five members shall be selected by the County Council as set forth in subsection (a)(2)(ii) of this section.
 - (i) The following persons or their designees are ex officio members of the Downtown Columbia Partnership Advisory Committee:
 - a. The President of Howard Community College:

- b. The Chief Executive Officer of Howard County General Hospital;
 - c. The Chief Executive Officer of Howard County Economic Development Authority;
 - d. The Chairperson of Howard County Revenue Authority;
 - e. The President of the Howard County Chamber of Commerce; and
 - f. The chair of the Town Center Village Board.
- (ii) To serve as members of the Downtown Columbia Partnership Advisory Committee, the County Council shall select the following additional members:
- a. Two individuals from a list of four residents living in or in close proximity to the District submitted by the County Executive;
 - b. One owner or general manager of a business located within the District having fewer than 25 employees; and
 - c. One owner of property located in the District who has obtained a building permit for downtown revitalization pursuant to section 125 of the Howard County Zoning Regulations; and
 - d. One individual representing the membership required by CEPPA 25 of the Downtown Columbia Plan.
- (3) Committee members selected pursuant to paragraph (2)(ii) of this subsection shall serve for a period of two years. The County Council may reappoint committee members.
- (4) The Downtown Columbia Partnership Advisory Committee shall advise the Board of Directors of the Downtown Columbia Partnership on all matters concerning the management and operation of the Downtown Columbia Partnership. Subject to section 22.1000 of the County Code, by April 1 of each year, the Committee shall advise the County Council on the partnership's previous calendar year's activities.
- (5) Members of the downtown Columbia Partnership Advisory Committee shall serve without compensation.
- (6) (i) Advisory Committee members shall be given the same notice of the place, day, and time of Board meetings provided to members of the Board of Directors pursuant to the partnership's bylaws.
- (ii) During every meeting of the Board of Directors, a representative of the Downtown Columbia Partnership Advisory Committee shall be provided with an opportunity to comment on all matters pending before the Board.
- (7) The books and records of the Downtown Columbia Partnership are subject to examination and inspection at any reasonable time by the Downtown Columbia Partnership Advisory Committee.
- (b) *Additional Advisory Committees.*
- (1) The Board of Directors may create additional Advisory Committees.
 - (2) The Board of Directors shall determine the number of members of each additional Advisory Committee.
 - (3) (i) The Board of Directors shall appoint members to additional Advisory Committees.
 - (ii) A member of the Board of Directors may be appointed to an additional Advisory Committee.
 - (iii) The Board of Directors shall designate the Chairperson of an additional Advisory Committee.
 - (4) The Board of Directors shall set the term of each member of an additional Advisory Committee.
 - (5) The members of an additional Advisory Committee shall serve without compensation.

- (6) An additional Advisory Committee shall advise the Board of Directors on the matters specified by the Board of Directors.

(C.B. 24, 2012, § 1; C.B. 43, 2018, § 1)

Sec. 28.110. - Staff to the downtown partnership.

- (a) *Executive Director.* The Board of Directors shall hire an Executive Director for the Downtown Columbia Partnership who has training or experience in managing a downtown district or similar entity.
- (b) *Other Employees.* The Downtown Columbia Partnership may employ or contract with the County or other persons as necessary to carry out the activities of the Downtown Columbia Partnership.
- (c) *Status.* Employment with the Downtown Columbia Partnership does not make the Executive Director or an employee:
- (1) A County employee; or
 - (2) A member of a County retirement or pension system.
- (d) *Compensation.* The Board of Directors shall set the compensation of the Executive Director and the other employees of the Downtown Columbia Partnership, and shall establish such conditions of employment it considers appropriate.

(C.B. 24, 2012, § 1)

Sec. 28.111. - Ethics.

The Board of Directors, the Executive Director of the Downtown Columbia Partnership, and employees of the Downtown Columbia Partnership are not subject to the Howard County Public Ethics Law.

(C.B. 24, 2012, § 1)

Sec. 28.112. - Powers of the Downtown Columbia Partnership.

- (a) *Property.* The Downtown Columbia Partnership may acquire, hold, use, encumber, and dispose of both real and personal property and other property rights necessary to achieve its purpose, including acquisition by purchase or lease.
- (b) *Contracts.* The Downtown Columbia Partnership may make contracts for any purpose related to its duties set forth in section 28.107 of this title.
- (c) *Suits.* The Downtown Columbia Partnership may sue and be sued.
- (d) *Contributions.* The Downtown Columbia Partnership may accept grants, gifts, or other contributions.
- (e) *Bank Accounts.* The Downtown Columbia Partnership may establish commercial bank accounts, with any earnings on funds accruing to the Downtown Columbia Partnership.
- (f) *Borrow Funds.* The Downtown Columbia Partnership may borrow funds in order to carry out its purposes under the Downtown Columbia Plan and this title.
- (g) *Publicity.* The Downtown Columbia Partnership may publicize its activities and sell advertising.
- (h) *Other Actions.* The Downtown Partnership may take other necessary or convenient actions to:
- (1) Perform tasks that benefit the District; and

- (2) Carry out this subtitle and the Downtown Columbia Plan.

(C.B. 24, 2012, § 1)

Sec. 28.113. - Limitations.

The Downtown Columbia Partnership may not:

- (1) Condemn property or exercise any power of eminent domain;
- (2) Issue bonds;
- (3) Pledge the faith or credit of the County;
- (4) Exercise any police or general governmental powers;
- (5) Except as provided in section 28.112(a) of this title, purchase, sell, or construct or, as a landlord, lease office or retail space;
- (6) Compete with the private sector except as authorized in this title; or
- (7) Sue the County or its employees and officials.

(C.B. 24, 2012, § 1)

Sec. 28.114. - Funding.

- (a) *In General.* The Downtown Columbia Partnership is funded by:
 - (1) The payments that it receives for providing goods or services;
 - (2) Assessments or taxes as provided by law;
 - (3) Payments required by the CEPPAS; and
 - (4) Payments from any other source.
- (b) *Uses.* Money that the Downtown Partnership receives under this section shall be used only for the purposes of this subtitle.
- (c) *Budget Process.*
 - (1) The annual operating budget for the coming year for the Downtown Columbia Partnership must be approved by a majority of the members of the Board of Directors prior to December 1 of each year.
 - (2) Subject to section 22.1000 of the County Code, each year by December 1, the Board of Directors shall submit the Downtown Columbia Partnership's approved operating budget for the coming calendar year to the County Executive, the County Council, and the Community Developer.
 - (3) (i) Subject to the automatic termination set forth in paragraph (3)(ii) of this subsection, the Community Developer, in accordance with CEPPA 6, shall submit quarterly payments to the Downtown Columbia Partnership by January 1, April 1, July 1, and October 1, respectively, of each year to cover the partnership's initial operating expenses. In each year the Community Developer is required to make quarterly payments, the total of the payments shall be the difference between the total approved operating budget and other operating revenue. The quarterly payments are in addition to the CEPPAS and other obligations imposed on the Community Developer by the Downtown Columbia Plan, and do not constitute compliance by the Community Developer with the CEPPAS and other obligations, except for the obligation to fund the initial operating expenses of the Downtown

Columbia Partnership. The Community Developer is still required to fully comply with the requirements of the Downtown Columbia Plan.

- (ii) The Community Developer's obligation to fund the initial operating expenses of the Downtown Columbia Partnership under CEPPA 6 and paragraph (3)(i) of this subsection automatically terminates on the date the partnership receives the first payment under section 28.115(e) of this title from the owner of the property for which the County issues a building permit for the 500,000th square foot of gross leasable area of new commercial uses.
- (d) The Community Developer's obligation to fund the initial operating expenses of the Downtown Columbia Partnership under CEPPA 6 and paragraph (3)(1) shall not be required of any other owner of property in the District who does not develop commercial uses pursuant to section 125a.9 of the Howard County Zoning Regulations.

(C.B. 24, 2012, § 1; C.B. 43, 2018, § 1)

Sec. 28.115. - Payments required by CEPPAS.

- (a) The Downtown Columbia Plan provides for certain payments by the Community Developer, owners of property developed with commercial uses, and developers of residential property. The Community Developer and the County agreed to the nature and amounts of these payments during the Downtown Columbia Plan approval process, and the payments are dedicated to funding the Downtown Columbia Partnership, which is tasked with duties described in the Downtown Columbia Plan and this subtitle. The purpose of this section is to implement the payment requirements of the Downtown Columbia Plan. In no case shall the obligation to make such payment be triggered:
 - (1) By the development or construction of downtown arts, cultural and community uses, downtown community commons, or downtown parkland; or
 - (2) When the development of an individual parcel of land shown on a plat or deed recorded among the County land records as of April 6, 2010 consists only of up to a total of 10,000 square feet of commercial floor area and no other development.
- (b) Initial operating funding of the Downtown Columbia Partnership. The Community Developer shall fund the initial start-up costs of the Downtown Columbia Partnership.
- (c) Initial funding for Downtown Columbia Housing Fund; additional funding.
 - (1) The Community Developer shall provide \$1,500,000.00 in initial funding for the Downtown Columbia Housing Fund upon:
 - (i) The issuance of the first building permit; and
 - (ii) The expiration of all applicable appeal periods associated with the building permit or, if an appeal was filed, upon the issuance of a final decision of a court upholding the issuance of the building permit.
 - (2) The Community Developer shall provide \$1,500,000.00 in additional funding for the Downtown Columbia Housing Fund upon:
 - (i) The issuance of the building permit for the 400th residential unit; and
 - (ii) The expiration of all applicable appeal periods associated with the building permit or, if an appeal was filed, upon the issuance of a final decision of a court upholding the issuance of the building permit.
- (d) *Downtown Circulator Shuttle*. As required by CEPPA 23, prior to issuance of a building permit for the 5,000,000th square foot of gross building area of development, the Community Developer shall provide \$1,000,000.00 towards the initial funding of the downtown circulator shuttle as described in the Downtown Columbia Plan.

- (e) *Commercial Revitalization.* Pursuant to the Downtown Columbia Plan:
- (1) In accordance with CEPPA 25, owners of property in the District developed with commercial uses pursuant to section 125a.9 of the Howard County Zoning Regulations shall provide an annual payment of \$0.25 per square foot of gross leasable area or net floor area for hotels calculated in accordance with the Building Owners and Managers Association (BOMA) standards as certified by an architect on plans submitted with an application for a building permit and approved by the County;
 - (2) Beginning April 6, 2011, the payment required by paragraph (1) of this subsection shall annually adjust based on the Consumer Price Index for all Urban Consumers (CPI-U) for the Washington-Baltimore area published by the Bureau of Labor Statistics of the United States Department of Labor; and
 - (3)
 - (i) The initial payment shall be paid prior to issuance of occupancy permits for the buildings and shall be pro-rated monthly based on the calendar year;
 - (ii) Subsequent payments shall be due on or before January 1 of each year following the year of initial payment.
- (f) *Reserved.*
- (g) *Affordable Housing—Commercial Uses.* Pursuant to the Downtown Columbia Plan:
- (1) In accordance with CEPPA 27, owners of property in the District developed with commercial uses pursuant to section 125a.9 of the Howard County Zoning Regulations shall provide an annual payment of \$0.05 per-square foot of gross leasable area or net floor area for hotels calculated in accordance with the Building Owners and Managers Association (BOMA) standards as certified by an architect on plans submitted with an application for a building permit and approved by the County;
 - (2) Beginning April 6, 2011, the payment required by paragraph (1) of this subsection shall annually adjust based on the Engineering News-Record Building Cost Index; and
 - (3)
 - (i) The initial payment shall be paid prior to issuance of occupancy permits for the buildings and shall be pro-rated monthly based on the calendar year;
 - (ii) Subsequent payments shall be due on or before January 1 of each year following the year of initial payment.
- (h) *Collection; Enforcement.*
- (1)
 - (i) Before the County issues an occupancy permit for a building subject to subsections (e) and (g) of this section, the owner shall satisfy the Department of Inspections, Licenses and Permits that payments required by those subsections have been made.
 - (ii) Payments under subsection (f) of this section are contingent upon the expiration of all applicable appeal periods associated with each building permit without an appeal being filed, or if an appeal is filed upon the issuance of a final decision of the courts upholding the-issuance-of the permit.
 - (2) Failure to make payments required by this title:
 - (i) Shall be certified to the Director of Finance of the County;
 - (ii) Shall be a lien on property belonging to the person or business required to make payment;
 - (iii) Shall be collectible in the same manner as any civil money judgment or debt may be collected; and
 - (iv) Shall accrue penalties at the same rate and in the same manner as the accrual of interest and penalties for unpaid real property taxes.
- (i) Payments required by this section shall be made to the Downtown Columbia Partnership.

- (j) As provided in the Downtown Columbia Plan, the owner of commercial property located in the District is not required to make the payments implemented by subsections (e) and (g) of this section unless the owner develops or redevelops the property in accordance with the downtown revitalization provisions of section 125 of the Zoning Regulations.

(C.B. 24, 2012, § 1; C.B. 55, 2016, § 1)

Sec. 28.116. - Affordable housing.

- (a) *Affordable Housing Terms Defined.* For purposes of this section, the following words have the meanings indicated:
 - (1) *Affordable housing unit.* Affordable housing unit means a dwelling unit that is made available for sale or rent below market rate to households of eligible income.
 - (2) *Households of eligible income* means:
 - (i) As to dwelling units that are State or Federally funded, individuals or households who meet the income requirements of the State or Federal program involved; or
 - (ii) As to other developments, individuals, or households who lack sufficient income or assets to enable them to purchase or rent decent, safe, and sanitary dwellings without overcrowding.
 - (iii) The determination of income levels may vary with respect to the elderly, the disabled, other persons with special needs, or particular units or programs.
- (b) *Foundation.* The Downtown Columbia Housing Foundation is the entity selected as the foundation under subtitle 2 of this title.
- (c) *Fund.*
 - (1) There is a Downtown Columbia Community Housing Fund.
 - (2) The fund consists of:
 - (i) Money collected under sections 28.115(c) and (g) of this title;
 - (ii) Money received from any public or private source, including a gift, grant, or legacy;
 - (iii) Investment earnings of the fund; and
 - (iv) Repayments of principal or interest on loans made from the fund.
 - (3) The fund is a separate, nonlapsing fund that may not be commingled with any other Downtown Columbia Partnership Fund.
 - (4) The Downtown Columbia Partnership shall contract with the Downtown Columbia Housing Foundation to administer the fund for the purpose of providing affordable housing assistance as an amenity within the district as described in the Downtown Columbia Plan, the Downtown CEPPA Implementation Chart, and this title.
 - (5) The Downtown Columbia Housing Foundation is responsible for decisions concerning the use of the fund and shall administer the fund for a reasonable fee, which shall not exceed five percent of the fund or \$100,000.00, whichever is less.
- (d) *Uses of Fund.* The Downtown Columbia Housing Foundation shall use the fund to make affordable housing more available in Downtown Columbia by making awards from the fund to:
 - (1) Assist for-profit and nonprofit developers to acquire, build, rehabilitate, or preserve affordable housing units;
 - (2) Contribute to the payment of predevelopment or operating expenses of affordable housing units;

- (3) Assist nonprofit entities to acquire, build, rehabilitate, or preserve special needs housing;
 - (4) Provide rental assistance enabling a household of eligible income to pay rent for the family's primary residence;
 - (5) Make loans enabling a household of eligible income to purchase the family's primary residence; and
 - (6) Provide eviction prevention and foreclosure assistance.
- (e) *Withdrawal of Recognition of Foundation.* The contract under subsection (c)(4) of this section shall provide that if the Downtown Columbia Housing Foundation's recognition under subtitle 2 of this title is terminated for any reason:
- (1) The foundation shall preserve all money in the fund and immediately transfer it to the Downtown Columbia Partnership;
 - (2) The foundation shall provide a full accounting of the fund to the Downtown Columbia Partnership; and
 - (3) The Downtown Columbia Partnership shall have immediate access to all books and records of the foundation.

(C.B. 24, 2012, § 1)

Sec. 28.117. - Transportation.

- (a) *In General.* The Downtown Columbia Partnership:
- (1) Shall support the transportation initiatives outlined in the shuttle feasibility study called for in the Downtown Columbia Plan; and
 - (2) Shall promote and implement the transportation demand management plan called for in the Downtown Columbia Plan.
 - (3) Shall contract with the County office of transportation provider to carry out this section.
- (b) *Use of Funds.* The Downtown Columbia Partnership shall use at least 50 percent of the revenue collected pursuant to section 28.115(e) of this title to implement:
- (1) Transportation initiatives in the shuttle feasibility study; or
 - (2) Other direct transit services in Downtown Columbia.

(C.B. 24, 2012, § 1)

Sec. 28.118. - Reports and records.

- (a) *Reports.* Subject to section 22.1000 of the County Code, by April 1 of each year, the Downtown Columbia Partnership shall send the County Executive and the County Council an annual report including:
- (1) The activities of the Downtown Columbia Partnership for the previous calendar year;
 - (2) The results of an annual independent audit conducted by a certified public accountant, including a copy of any accompanying management letter;
 - (3) The efforts of the Downtown Columbia Partnership to include minorities and local businesses when procuring goods and services; and
 - (4) Recommendations for the improvement and advancement of the District; and
 - (5) Information about any determination of income levels under section 28.116(a)(2) of this title.

- (b) *Records.* The Downtown Columbia Partnership shall keep records consistent with sound business practices and keep accounting records using generally accepted accounting principles.
- (c) *County Audit.*
 - (1) The books and records of the Downtown Columbia Partnership are subject to audit, examination, and inspection at any reasonable time by the County Executive or County Council or their designees.
 - (2) In addition to any financial audit required by this section, the County may conduct performance or management audits.

(C.B. 24, 2012, § 1; C.B. 43, 2018, § 1)

Sec. 28.119. - Procurement.

- (a) *In General.* Except as otherwise provided in Article 25a, Section 5(ff) of the Maryland Code, the Downtown Columbia Partnership is not subject to the County Purchasing Code.
- (b) *Cooperation with County.* To the extent practical, the Downtown Columbia Partnership shall purchase goods and services cooperatively with the County under title 4 of the Howard County Code.
- (c) *Cooperation with Community Developer.* To the extent practical, the Downtown Columbia Partnership shall cooperate with the Community Developer to achieve budget efficiencies including staffing, office space, and other resources. The Downtown Columbia Partnership shall not compensate the Community Developer or any of its employees until the Community Developer's obligation to fund the initial operating expenses of the Downtown Columbia Partnership in accordance with CEPPA 6 and section 28.114(c)(3)(ii) of this title terminates.

(C.B. 24, 2012, § 1)

Sec. 28.120. - Maryland Open Meetings and Public Information Acts.

- (a) *Open Meetings Act.* The Downtown Partnership shall comply with the Maryland Open Meetings Act in the same manner that a political subdivision is required to comply.
- (b) *Public Information Act.* The Downtown Partnership shall provide access to its records and documents in the same manner that a political subdivision is required to provide access under the Maryland Public Information Act.

(C.B. 24, 2012, § 1)

Sec. 28.121. - Legal advisor.

- (a) *In General.* Once 500,001 square feet of gross leasable area of new commercial uses in the District has been developed, the County Solicitor is the legal advisor to the Downtown Columbia Partnership
- (b) *Notification.* The County Solicitor shall be notified of any legal action brought by or against the Downtown Columbia Partnership.
- (c) *Outside Counsel.* This section does not prohibit the Downtown Columbia Partnership from hiring additional legal counsel approved by the County Solicitor.

(C.B. 24, 2012, § 1)

Sec. 28.122. - Liability.

The County is not liable in contract or tort for acts or omissions of the Downtown Columbia Partnership or its agents and employees. Each contract executed by the Downtown Columbia Partnership shall so provide that the County is not liable.

(C.B. 24, 2012, § 1)

Sec. 28.123. - Local Government Tort Claims Act.

As a commercial district management authority, the Downtown Columbia Partnership is a "local government" as that phrase is used in the Local Government Tort Claims Act. The Downtown Columbia Partnership is the real party in interest under the Maryland Rules of Procedure and for purposes of the Local Government Tort Claims Act.

(C.B. 24, 2012, § 1)

Sec. 28.124. - Termination of Downtown Columbia Partnership.

- (a) *Perpetual Existence.* Except as otherwise provided in this section, the Downtown Columbia Partnership has perpetual existence.
- (b) *Termination.* By ordinance adopted by the County Council and approved by the County Executive, the Downtown Columbia Partnership may be terminated.
- (c) *Contracts; Services.* If the Downtown Columbia Partnership terminates, all of its contracts and services terminate unless expressly assumed and maintained by the County.
- (d) *Assets.* If the partnership is terminated as provided in this section, any assets remaining after all liabilities and obligations of the corporation are satisfied shall be distributed to the County.

(C.B. 24, 2012, § 1)

Sec. 28.125. - Severability.

If any provision of this title or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity shall not affect other provisions or any other application of this title that can be given effect without the invalid provision or application, and for this purpose the provisions of this title are severable.

(C.B. 24, 2012, § 1)

SUBTITLE 2. - DOWNTOWN COLUMBIA HOUSING FOUNDATION

Sec. 28.200. - Purposes.

The County Council of Howard County, Maryland, declares that:

- (1) A Downtown Columbia Housing Foundation is needed to fulfill the vision of the Downtown Columbia Plan, a general plan amendment, for a full-spectrum and diverse mix of housing, ensuring that low-, moderate- and middle-income families have an opportunity to live in Downtown Columbia;

- (2) It is necessary and appropriate for the County Government to complement, assist, encourage and promote the establishment and recognition of an entity to serve as the Downtown Columbia Housing Foundation described in the Downtown Columbia Plan; and
- (3) Development of additional housing units in Downtown Columbia must provide increased housing opportunities for residents at different income levels and should provide a range of housing choices.

(C.B. 24, 2012, § 1)

Sec. 28.201. - "Foundation" defined.

In this subtitle, "foundation" means the Downtown Columbia Housing Foundation recognized by the County Council under this subtitle.

(C.B. 24, 2012, § 1)

Sec. 28.202. - Foundation—Assistance.

The County Government may and should provide assistance to a foundation as a not-for-profit entity organized for the purpose of providing affordable housing under section 28.116 of this title.

(C.B. 24, 2012, § 1)

Sec. 28.203. - Membership and organization.

(a) *In General.* The foundation:

- (1) Shall be a not-for-profit; and
- (2) Should include representation from private entities, County and other public agencies, the community developer, organizations, and individuals who are generally able to promote the purposes specified in this subtitle.

(b) *Conflict of Interest.* To avoid conflicts of interest, or the appearance thereof, the bylaws of the foundation shall provide that any of its members who are connected with, or are officers of, an entity requesting funding from the foundation shall abstain from voting on funding for such organizations.

(C.B. 24, 2012, § 1)

Sec. 28.204. - Recognition; effect of recognition; withdrawal of recognition.

(a) *Application for Recognition.* Subject to section 22.1000 of the County Code, an organization seeking recognition as the foundation under this subtitle shall submit to the County Council an application that includes:

- (1) A copy of its articles of incorporation and bylaws;
- (2) A listing of its officers and directors;
- (3) A summary of the relevant background and experience of the board of directors of the organization that demonstrates success in financing affordable housing and managing housing assistance programs;
- (4) A statement of the general nature of, and the manner in which the foundation proposes to provide affordable housing in Downtown Columbia;

- (5) A description of the methods to be followed to carry out the program described in section 28.205 of this subtitle, including procedures for Advisory Committees and public participation.
- (b) *Recognition.* By resolution, the County Council may recognize, with or without conditions, the applicant as the Downtown Columbia Housing Foundation:
 - (1) Based on the submissions made under this section;
 - (2) After receiving the recommendations of the County Executive; and
 - (3) After a public hearing.
- (c) *Annual Progress.*
 - (1) As a condition of continued recognition under this subtitle, the foundation shall:
 - (i) Establish an adequate system for maintaining and updating its program in accordance with this title and the Downtown Columbia Plan, with reasonable annual goals and priorities;
 - (ii) Subject to section 22.1000 of the County Code, submit an annual written report to the County Council, the County Executive, and the Downtown Columbia Partnership that describes progress and problems in carrying out the program required by this subtitle; and
 - (iii) Include in the report the financial standing of the fund, the ways the fund has been used in the past year, and the projected uses of the fund.
 - (2) The report required by this subsection shall be available to the public.
- (d) *Effect of Recognition.*
 - (1) While it is envisioned that the Downtown Columbia Partnership shall contract with the foundation to provide affordable housing under the Downtown Columbia Plan, neither the contractual arrangement nor recognition of the foundation relieves the partnership of any responsibility under the Downtown Columbia Plan.
 - (2) Recognition of the foundation as provided in this subtitle does not make the foundation a public instrumentality of the County.
- (e) *Withdrawal of Recognition.* By resolution and after a public hearing, the County Council may withdraw its recognition of the foundation if the County Council determines that the foundation has ceased to meet the requirements of this subtitle or conditions imposed by the Council in the resolution recognizing the applicant as the foundation.

(C.B. 24, 2012, § 1; C.B. 43, 2018, § 1)

Sec. 28.205. - Program.

The foundation shall develop and carry out a program of services and financial assistance that may include but is not limited to:

- (1) Creating a flexible model that aspires to make new housing in the district affordable to individuals earning across all income levels;
- (2) Creating an effective, flexible means of providing a full spectrum of housing for Downtown Columbia;
- (3) Conducting meaningful discussions with land purchasers in Downtown Columbia to encourage full spectrum housing in each and every neighborhood;
- (4) Funding new construction;
- (5) Acquiring housing units;
- (6) Preserving existing homes;

- (7) Financing rehabilitation of rental housing;
- (8) Developing senior, family or special needs housing;
- (9) Providing predevelopment, bridge, acquisition and permanent financing; and
- (10) Offering eviction prevention and foreclosure assistance.

(C.B. 24, 2012, § 1)

Sec. 28.206. - Audit.

The fund is subject to audit and the books and records of the foundation are subject to inspection and examination at any reasonable time by the County Auditor.

(C.B. 24, 2012, § 1)

Sec. 28.207. - Support from County Government.

Within the limits of available funds, the County Government may provide administrative and financial support to the foundation.

(C.B. 24, 2012, § 1)

APPENDIX A - RULES OF PROCEDURE FOR THE COUNTY COUNCIL OF HOWARD COUNTY, MARYLAND¹¹

Footnotes:

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Editor's note— The rules of procedure are set out herein as adopted by the County Council on November 3, 1975, following a public hearing held on October 27, 1975.

Rule 1.001 - General.

These rules of procedure for the County Council are adopted under authority of section 208 of the Howard County Charter.

- (a) *Types of Meetings.* The Council shall hold regular legislative meetings and such other meetings, hearings, and work sessions as may be provided by law or required for the orderly conduct of business. All such meetings shall be open to the public. The Council may meet in closed session as permitted by the State Open Meetings Act. Any closed meeting, except a meeting that is closed to discuss a personnel issue, may be attended by any Councilmember, Special Assistant to a Councilmember, and appropriate County professional staff member unless the Council expressly further restricts attendance.
- (b) *Time of Meetings:*
 - (1) *Legislative session days.* The Council may sit up to 45 days in each year for the purpose of introducing and enacting legislation. Except as otherwise provided in this paragraph, the Council shall meet regularly on the first Monday in each month.

- (i) If the first Monday is a County Government holiday or a day on which Rosh Hashanah, Yom Kippur, Eid Ul Fitr or Eid Ul Adha is observed, then the meeting shall be held on the next succeeding day which is not one of these days.
 - (ii) There shall be no legislative session in August, except for an emergency legislative session, unless the Council provides by resolution for a session in August.
 - (iii) During a Council election year no legislative session, except for an emergency legislative session, shall be held neither during the month of November nor during the month of December until a majority of the members of the Council shall be qualified.
 - (iv) The Council may be called into emergency legislative session either by the County Executive or by a majority of the members of the Council on any day as directed by the Chairperson.
 - (v) At any session prior to any scheduled session, the Council may determine by an affirmative vote of two-thirds of its members not to sit at any regularly scheduled session.
 - (vi) If in advance of any scheduled meeting the Chairperson determines that a quorum will not be present, the Chairperson may cancel and reschedule the meeting as soon as practicable.
- (2) *Nonlegislative meeting days.* The Council shall meet for nonlegislative purposes, such as reviewing the County budget as proposed by the County Executive and conducting public hearings, legislative work sessions, monthly meetings and other meetings on such matters as may properly come before the Council on any day as directed by the Chairperson, but the Council shall be prohibited from holding meetings which include an opportunity for public testimony on any day on which Rosh Hashanah, Yom Kippur, Eid Ul Fitr, or Eid Ul Adha is observed.
- (3) Meeting times:
- (i) *Legislative Session Days.* A regular legislative session day shall convene on the date set at 7:00 p.m. or as determined by council majority. Emergency legislative sessions and annual legislative sessions shall convene at such times as directed by the Chairperson. Legislative session days shall continue 24 hours from the time the session is convened; the Council may recess from time to time or adjourn at any time during the 24 hours.
 - (ii) *Nonlegislative meetings.* Public hearings shall convene at 7:00 p.m. and work sessions shall convene at 4:30 p.m. on the date set, unless otherwise directed by the Chairperson.
- (c) *Place of Meetings.* The place of meeting of the Council shall be the Council hearing room at Ellicott City, Maryland, provided, however, that at the discretion of the Chairperson or at request of three Council members, legislative sessions, work sessions or public hearings may be held at such locations as the Chairperson may provide. To participate in a legislative session, a member must be present in person except that a member may participate in an emergency legislative session by telephone or other teleconferencing technology.
- (d) *Notice of Meetings.* The Administrator to the County Council shall give such legal notice as is required by law of all Council meetings and hearings, and shall provide information to the news media and the general public as to the agenda and matters pending before the Council. Additionally, the Administrator shall keep all Council Members adequately informed as to Council agenda, meetings, and other legislative matters.
- (e) *Public Participation.* Reasonable seating facilities shall be provided for the public and the news media at all public meetings. During public hearings upon pending legislation, the budget or other matters, a reasonable amount of time will be provided for members of the public to speak. The Council may allow members of the public to speak on legislation or other pertinent matters at work sessions of the Council.

The general public and representatives of the news media are expected and respectfully requested to maintain order and decorum in keeping with the dignity of the governmental process, and to refrain

from interfering with this process. The Chairperson or a majority of the Council may regulate the use of radio and television equipment to minimize interference with the meeting or hearing.

- (f) *Oath of Office.* The following oath of affirmation, administered by the Clerk of the Circuit Court for Howard County, shall be taken by each Councilmember, at a public meeting in a place to be determined by the Councilmembers after consulting with the Councilmembers-elect before entering upon his duties:

"I, _____, do swear (or affirm) that I will support the Constitution of the United States; and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and laws thereof; and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of Councilmember of Howard County according to the Constitution and Laws of this State."

(Res. No. 135, 1980; Res. No. 45, 1989; Res. No. 50, 1992; Res. No. 140, 1994; Res. No. 146, 1994; Res. No. 13, 1996; Res. No. 133, 1999; C.B. 72, 2004; C.B. 81, 2004; Res. No. 11, 2011; Res. No. 10, 2018)

Rule 1.002 - Agenda.

- (a) *In General.* The Administrator shall prepare a written agenda for each legislative session and for each work-session or public hearing. The legislative agenda shall include the following:

- (1) Numbers and titles of all bills and resolutions to be introduced and the name or names of the Councilmember introducing each.
- (2) Numbers and titles of all bills and resolutions to be called for final reading and vote.
- (3) Numbers and titles of petitions properly before the Council for its consideration.
- (4) Such other business as may properly come before the Council.

- (b) *Calendar.*

- (1) In accordance with Charter section 208(b)(2), there shall be no legislative session in August, except for an emergency legislative session, unless the Council provides by resolution for a session in August.
- (2) At the legislative session in December, the Council:
 - (i) Shall elect officers;
 - (ii) May act on bills, resolutions, and other items already before it; and
 - (iii) Except for emergency legislation, shall not consider the introduction of new legislation.
- (3) The Council shall not hold a public hearing during any month when no legislation is introduced.

- (c) *Additions to Agenda.*

- (1) The legislative agenda may remain open until 11 days prior to the legislative day and each Councilmember shall have the right to place thereon any proper matter of business.
- (2) Legislation to be included on the agenda for introduction shall be prefiled with the Council Administrator no later than 2:00 p.m. on:
 - (i) The 11th day preceding the legislative day; or
 - (ii) The second day preceding the County holiday if the prefile deadline established in subsection (c)(2)(i) of this section falls on a day immediately before a County Government holiday.
- (3) Once the agenda has been closed, it may be amended for additions by an affirmative vote of two-thirds of the Councilmembers.

- (4) In case of a duly called emergency session or emergency legislation, the 11-day period does not apply.
- (d) *Preparation of Nonlegislative Agenda.* The Administrator shall prepare a written agenda for each work-session or hearing which shall include the following:
 - (1) Numbers and titles of all bills and resolutions to be considered.
 - (2) Such other business as may properly come before the Council.
- (e) *Status of Bills.* The Administrator shall prepare an addendum to the agenda for each legislative meeting which shall show the status of all legislative enactments of the current session having been properly introduced but not yet having been finally disposed.
- (f) *Notice to Councilmember.* The Administration shall forward to each Councilmember a copy of each agenda, as compiled at least 72 hours prior to the meeting to which it pertains.

(Res. No. 140, 1994; Res. No. 133, 1999; Res. No. 113, 2014; Res. 111, 2016)

Rule 1.003 - Order of Business.

- (a) The regular order of business at all legislative sessions of the County Council shall be as follows:
 - (1) Chairperson's call to order.
 - (2) Presentations of honorary resolutions, commendations, memorials, and other nonlegislative matters, if any.
 - (3) Approval of journal.
 - (4) Approval of minutes.
 - (5) Unfinished business.
 - (6) Presentation and disposition of petitions.
 - (7) Introduction of Bills and Resolutions.
 - (8) Special orders of the day.
 - (9) Call for Bills and Resolutions for final reading and vote.
 - (10) Other business.
- (b) *Messages.* Messages from the Executive may be received at any time, except when a question is being put or the roll is being called.

(Res. No. 140, 1994; Res. No. 11, 2011)

Rule 1.004 - The Presiding Officer.

- (a) *The Council Shall Select a Chairperson and a Vice Chairperson.* The Chairperson shall be the presiding officer of the Council; in the absence of the Chairperson, the duly elected Vice Chairperson shall be the presiding officer. In the absence of both the Chairperson and the Vice Chairperson, a quorum being present, the Administrator shall call the Council to order and shall receive nominations and conduct an election for Chairperson pro tempore. The Vice Chairperson, or the Chairperson pro tempore, while acting as presiding officer shall have all the authority and voting rights of the Chairperson.
- (b) *Order and Decorum.* The Chairperson shall preserve order and decorum during the meetings and sessions of the Council. The Chairperson shall have general supervision over the Council Hearing Room and over the rooms, corridors and the lobbies adjacent thereto. In case of any disturbance or

disorderly conduct therein, the Chairperson shall have the power to order any such place to be cleared.

- (c) *Prerogative of the Chair.* The Chairperson may speak on points of order in preference to other members. The Chairperson shall decide on all points of order, and that decision shall be final unless an appeal therefrom is reversed on a yea and nay vote by a majority of the Council Members present. The Chairperson's title shall be called first whenever the roll of the Council is called and the Chair is entitled to vote on all questions except on an appeal from the Chair's decision on a question of order.

(Res. No. 140, 1994; Res. No. 11, 2011)

Rule 1.005 - Procedure in Debate.

- (a) *Recognition.* Every member desiring to introduce a bill or resolution, to present a petition or other matter, to make a report or a motion, or to speak on any matter, shall address the Chairperson. A member shall not proceed further until recognized by the Chair. If two or more Councilmembers seek recognition at the same time, the Chairperson shall determine which is entitled to the floor.
- (b) *Order During Debate.* Only members of the Council may participate in debate on any bill, resolution or motion or other matter pending before the Council, unless, upon request by any Councilmember, another person is recognized to speak by the Chairperson for the purpose of clarification or information. No Councilmember shall speak more than once upon any subject until every other Councilmember wishing to speak shall have spoken and every Councilmember shall confine himself to the subject under debate.
- (c) *Voting; Abstention.* No Councilmember shall vote on any question on which the Councilmember is prohibited from voting by the Howard County Public Ethics Law. Upon the motion of any member, the vote on any question or motion or other matter shall be taken by the yeas and nays and entered in the journal. Although it is the duty of every Councilmember who has an opinion on a question to express it by voting, a Councilmember may abstain, since no Councilmember can be compelled to vote.
- (d) *Roll Call.* In any roll call, the Administrator shall call the roll of the Council Members, in alphabetic order, after the Chairperson has been called.
- (e) *Third Reader.* A Councilmember may first explain a vote, then cast the vote. At the call for the vote any Councilmember may pass; however, after the roll has been completed by the Administrator, the Administrator shall again call those names of the Council Members who may have passed upon the first call. After all votes have been cast, the Chair thereupon may ask the Council if any one desires to change his vote. If there are any members changing their vote, the Administrator will so record the change of the Councilmember's vote.

(Res. No. 140, 1994; Res. No. 11, 2011)

Rule 1.006 - Introduction of bills, resolutions and petitions.

- (a) *Introduction of Bills or Resolutions.* Bills or Resolutions which have been prefiled as provided in subsection 1.002(a) of these rules may be introduced by any member at any meeting on call of bills or resolutions. Bills and Resolutions prefiled by the Administration shall be identified as introduced by "The Chairperson at the request of the County Executive." Bills or resolutions which have not been prefiled may be added to the agenda for introduction by an affirmative vote of at least two-thirds of the Council Members to amend the agenda. A bill or resolution as introduced shall be printed in the form herein provided. When a bill or resolution is introduced, the Administrator shall certify the copy introduced and shall maintain a file on all such original bills or resolutions. The Administrator shall cause copies thereof to be reproduced and made available to the Council Members and the news

media, and shall post one copy on the official bulletin board. Copies shall be made available to the public at reasonable cost. The Administrator shall provide for the notice required by law.

- (b) *Addition of Co-sponsors.* After a bill or resolution has been prefiled and before the end of the legislative session at which the bill or resolution is introduced, a Council Member may, with the consent of the original sponsor, direct the Administrator to add the Council Member as a co-sponsor. After the adjournment of the legislative session at which a bill or resolution is introduced, a co-sponsor may be added by amendment.
- (c) *Introduction of Petitions.* Petitions may be presented by the Administrator to the County Council upon application by any person entitled by law to petition the County Council. When a petition is presented, the Administrator shall certify the copy presented, shall give it a number, and shall maintain a file on all such petitions. The Administrator shall cause copies thereof to be reproduced and made available to the Council Members, the public, the news media, and shall post one on the official bulletin board. If the petition raises an issue requiring notice, the Administrator shall provide for the notice required by law.
- (d) *Form of Bills.* Each bill shall have printed on the first page thereof the form as provided in appendix A of these Rules. The Administrator shall attach to each bill following its enactment a page summarizing its final status, as provided in appendix B of these rules; for each resolution, a page shall be attached as provided in appendix C; for each petition a page shall be attached as provided in appendix D.
 - (1) *Title.* The title shall be succinct to the reference of the general subject of the bill.
 - (2) *Enacting clause.* The enacting clause shall read "Be it enacted by the County Council of Howard County, Maryland".
 - (3) *Numbering of sections.* Section of a bill shall be numbered in Arabic numerals.
 - (4) *Numbering of lines.* The lines of the text of a bill shall be consecutively numbered commencing at the top line of each page.

The Administrator may add to the first page of a bill the date or dates when the bill may fail due to inaction as provided by Charter Section 209(h).

(Res. No. 190, 1979; Res. No. 140, 1994; Res. No. 11, 2011; Res. No. 140, 2015; Res. No. 10, 2018)

Rule 1.007 - Consideration of bills.

- (a) *Reading of Bills.* Every bill, before it shall pass the Council, shall be read on three different occasions. Any bill may be rejected upon introduction by a vote of two-thirds of the members of the Council. Any bill may be withdrawn from consideration before a vote on its final passage by a vote of two-thirds of the members of the Council. On the first reading, a bill shall be read by number and title only when introduced or when read as a substantively amended bill following readvertisement and re-hearing as provided by these Rules. The public hearing shall be the second reading. On final reading, a bill shall be read by number and title only, except that any member may request on final reading that a bill be read once, section by section for amendment before vote on final passage, and, if amended, any member may request that a bill be read as amended before vote on final passage. If amended as to substance, the bill shall not be passed until the title is rewritten to reflect the substance of substantive amendments, a hearing is set on the substantive amendments, and proceedings are conducted as in the case of newly introduced bills. Amendments may be determined to be substantive by a majority vote of the Council upon motion of any member.
- (b) *Amendments.*
 - (1) Amendments to be prefiled shall be offered in printed form and shall be prefiled with the Council Administrator no later than 2:00 p.m. on:

- (i) The second working day preceding the legislative session day at which the amendment is to be voted upon; or
 - (ii) The second day preceding the County holiday if the prefile deadline established in subsection (b)(1)(i) of this section falls on a day immediately before a County Government holiday.
- (2) Upon receipt, the Administrator shall promptly cause all prefiled amendments to be distributed to Council Members and posted on the official Council bulletin board.
 - (3) Written amendments that have not been prefiled and any oral amendments may be offered for introduction at the legislative session only after an affirmative vote of two-thirds of the members of the Council present at the legislative session.
 - (4) Notwithstanding any other provision of this subsection, when an amendment is under consideration, a Council Member may offer an amendment to the amendment. However, an amendment to an amendment may not itself be amended.
- (c) *Call of Bills for Final Reading.* Vote on final passage shall be on roll call by taking of the yeas and the nays. If no member objects, the Council may enact more than one bill by a single combined roll call vote. The call of bills for final reading shall include those bills made a special order of the day.
 - (d) *Enrolled Copy.* After passage of a bill, the Administrator shall promptly prepare an enrolled copy in printed or typewritten form, which shall be presented to the County Executive for his approval within the time required by law. On enrolling, the Administrator shall have authority to correct obvious errors in section references, numbers and references to existing law, capitalization, spelling, grammar, headings and similar matters.
 - (e) *Vetoes.* When an act has been vetoed by the County Executive and is returned to the Council, the message containing the Executive's objections to the bill shall be entered at large upon the Council Journal. The Council shall proceed to reconsider the bill on the call of bills for final reading, after which the Chairperson shall put the question, "Shall the bill pass notwithstanding the objections of the Executive?" The vote of the Council shall be determined by the yeas and the nays and entered upon the journal, and the votes of at least two-thirds of the members elected to the Council shall be necessary to pass the bill over the Executive's veto.
 - (f) *Incorporation of Amendments.* The Administrator, at the request of any Councilmember, shall prepare a draft working copy of any bill which is placed on the table, incorporating into the text of the bill all passed or proposed amendments to that bill. Such draft working copies of bills shall serve solely as an aid to Councilmembers' understanding of the effect of amendments during their deliberations on whether amendments should be passed or reconsidered.

(Res. No. 190, 1979; Res. No. 33, 1989; Res. No. 43, 1989; Res. No. 104, 1991; Res. No. 140, 1994; Res. No. 11, 2011; Res. No. 113, 2014; Res. No. 10, 2018)

Rule 1.008 - Consideration of resolutions.

There shall be a first reading and a final reading of each resolution; provided, however, that any resolution may be rejected upon introduction by a vote of two-thirds of the members of the Council, and provided further that any resolution may be withdrawn from consideration before a vote on its final passage by a vote of two-thirds of the members of the Council. A resolution shall be read by number and title. A public hearing may be held on resolutions at the direction of the Chairperson or by motion approved by a majority of the Council. Vote on final passage shall be on roll call by the yeas and nays, and a majority of the votes of the members shall be necessary to pass the resolution. If no member objects, the Council may enact more than one resolution by a single combined roll call vote. An enrolled copy shall be prepared after final passage and certified a true copy by the Administrator. On enrolling, the Administrator shall have authority to correct obvious errors in section references and numbers, capitalization, spelling, grammar, headings and similar matters.

(Res. No. 190, 1979; Res. No. 104, 1991; Res. No. 140, 1994; Res. No. 11, 2011; Res. No. 10, 2018)

Rule 1.009 - Consideration of petitions.

Any petition shall be read by number and title before consideration and action by the Council.

(Res. No. 140, 1994; Res. No. 11, 2011)

Rule 1.010 - Motions.

- (a) *Statement of Motions.* When a motion has been made and seconded, the Chairperson shall State it and it may be withdrawn by the mover, with consent of the seconder.
- (b) *Motions on Questions under Debate.* When a question is under debate, no motion shall be received except a motion:
 - (1) To adjourn or to fix the time for adjournment;
 - (2) To lay on the table;
 - (3) To close debate (to move the question);
 - (4) To postpone to a certain time;
 - (5) To amend or to amend an amendment;
 - (6) To determine the substantive nature of an amendment;
 - (7) To postpone indefinitely; or
 - (8) To withdraw.

None of these motions shall be debatable except a motion to amend or to amend an amendment. Except as otherwise provided in these Rules, a majority of members present shall be required for an adoption of any motion.

- (c) *Dilatory Motions.* The Chairperson shall not entertain a motion for a dilatory purpose.
- (d) *Reading of a Bill or Resolution.* A motion may be entertained after approval of the journal that the reading of a shortened title of a bill or resolution shall constitute the second or third reading of the whole of the bill or resolution on the agenda of that day. Adoption of the motion does not prevent amendments to the bill or resolution or its title to be entertained.
- (e) *Reconsideration.* When a question has once been decided, a motion of reconsideration is in order if the bill, resolution, motion or matter upon which the vote was taken is still in the possession of the Council. No motion for reconsideration is in order unless made on the same day on which the original vote was taken, or at the next meeting or session of the Council thereafter. The motion for reconsideration may be made by any member who voted with the majority on the original question, and it shall be reconsidered upon the majority vote of all members present and voting. The vote on a motion to reconsider cannot itself be reconsidered. The motion is debatable only if the question proposed for reconsideration was debatable, and has the characteristics described in section 34 of Robert's Rules of Order.
- (f) *Lay on the Table.* When a question is under consideration, the motion to lay on the table may be used to postpone the question to a future legislative session day. The motion is not debatable and has the characteristics described in section 17 of Robert's Rules of order, except that when a question has been laid upon the table it shall not be taken up for consideration during the remainder of the legislative session day.

- (g) *Take From the Table.* If a motion has been laid on the table, the motion to take from the table may be used to bring back the motion before the Council. The motion is not debatable and has the characteristics described in section 34 of Robert's Rules of Order.
- (h) *Postpone to a Certain Time.* When a question is under consideration, the motion to postpone to a certain time may be used to postpone the question to a specified time during the same legislative session day, or until after a specified event occurs during the same legislative session day. The motion is debatable and has the characteristics described in section 14 of Robert's Rules of Order.
- (i) *Postpone Indefinitely.* When a question is under consideration, the motion to postpone indefinitely may be used to permanently postpone consideration of the question. The motion is debatable and has the characteristics described in section 11 of Robert's Rules of Order.
- (j) *Rescind.* When a motion has been previously decided, the motion to rescind may be used to change an action previously taken by the Council. The motion:
 - (1) May be made at any time;
 - (2) Is debatable;
 - (3) May be applied to an approved Bill or Resolution only if the original of the Bill or Resolution is still in the custody of the Council or Council Staff; and
 - (4) Has the characteristics described in section 35 of Robert's Rules of Order.
- (k) When a councilmember thinks that these rules are being violated, the member can make a point of order, thereby calling upon the Chairperson for a ruling and an enforcement of the rules. A point of order:
 - (1) Takes precedence over the pending question out of which it arises;
 - (2) Yields to a motion to lay the pending question on the table;
 - (3) Is in order when another has the floor, even interrupting a Council Member speaking if the point genuinely requires immediate attention;
 - (4) Does not require a second;
 - (5) Is not debatable, except that:
 - (i) The Chairperson may permit a Council Member to explain the point of order; and
 - (ii) If the Chairperson submits the point of order to a vote, it is debatable unless it relates to indecorum, relates to the order of business, or is made when the immediately pending question is not debatable.
 - (6) Must be raised promptly at the time the violation occurs.

(Res. No. 140, 1994; Res. No. 11, 2011; Res. No. 10, 2018)

Rule 1.011 - Council journal.

When a bill, resolution or other legislative matter is journalized for the first time, its title shall be entered in full. Thereafter, subsequent journal entries for any legislative matter may be made by number and an abbreviated title. All amendments shall be printed in the journal when proposed. The name of every Councilmember introducing a bill or a resolution or moving to amend a bill or resolution or other legislative matter shall be entered on the Journal. Every question or motion presented to the Council for decision, and the title of every bill or resolution or other legislative matter considered, shall be entered upon the journal.

(Res. No. 140, 1994; Res. No. 11, 2011)

Rule 1.012 - Conduct of public hearings.

- (a) *General.* The rules in this section apply to public hearings held upon pending legislation, the budget, and other matters subject to public hearings. Normally these hearings will be held in conjunction with regularly scheduled meetings, but they may be scheduled at other times by the Chairperson in accordance with these rules.
- (b) *Preliminary Action.*
 - (1) Upon convening the hearing, the Chairperson shall give a brief explanation of the purpose of the hearing and shall cause to be presented any information or data, including reading of the legislation by the Administrator and explanation of the legislation by the Councilmember or a representative of the administration, which is required before the public discussion begins.
 - (2)
 - (i) Subject to subparagraphs (ii) and (iii) of this paragraph, the time limit for oral testimony at the hearing is:
 - a. Three minutes per person, whether speaking as an individual or on behalf of an entity not included in subparagraph c below;
 - b. Three minutes for each representative of an entity with multiple representatives speaking on behalf of the entity; or
 - c. Five minutes for a single representative of a nonprofit organization or government board, commission, or task force regardless of the number of members or supporters who may testify as individuals.
 - (ii) Whenever multiple items of legislation are grouped together for purposes of hearing testimony, the chairperson may extend the limits for a person testifying once about all the items in the group.
 - (iii) To qualify as a representative of a nonprofit organization, or government board, commission, or task force, the representative shall submit written certification from the entity or a sworn affidavit that:
 - a. Demonstrates that the representative is authorized to offer testimony and take a position to support, oppose, or amend the legislation on behalf of the entity; and
 - b. Indicates the number of members in the entity.
 - (iv) A certification or affidavit required by this subsection (b)(2) of this Rule shall be submitted to the Administrator:
 - a. Electronically in advance of the hearing; or
 - b. In person at the hearing before giving testimony.
 - (3) Any individual wishing to testify shall sign up through a system provided by the Administrator. The system shall include an opportunity to sign up in advance of the hearing and an on-site sign up option that shall be available for the period that begins at least 30 minutes before the scheduled time of the hearing. The opportunity to sign up to testify ends at the time the hearing is scheduled to begin on the hearing's first day. The system shall require that each person provide:
 - (i) Name and city or town of residence; and
 - (ii) Telephone number, email address, or mailing address.
- (c) *Public Participation.* Any person desiring to speak on the matters or issues under consideration shall sign up under subsection (b)(3) of this Rule and shall proceed when recognized by the Chairperson. Upon initial recognition by the Chairperson, the person shall give the following information before speaking to the issue:
 - (1) Name.

- (2) Home city or town.
- (3) Persons or organization represented or that he or she is speaking as a private citizen.
- (4) Whether he or she is speaking for or against the subject matter under consideration.
- (d) *Questions by Council.* Any member, upon recognition by the Chair, may question any speaker or witness.
- (e) *Written Testimony.* Written testimony on bills may be submitted to the Council at any time following introduction.

(Res. No. 43, 1989; Res. No. 140, 1994; Res. No. 11, 2011; Res. No. 10, 2018; C.B. 100, 2019)

Rule 1.013 - Conduct during presentation of petitions.

- (a) *General.* When petitions are made to the Council, the persons or parties presenting shall have the opportunity to state their case by presenting witnesses, exhibits, and other evidence. At the option of the Chair, the Chair may require any person desiring to testify to take the following oath.

"Do you solemnly promise to speak truthfully in the testimony you are about to give?"

Witnesses shall be examined by the party producing them and the Chair shall allow a reasonable cross-examination by other parties in interest; in the discretion of the Chair, questions, on cross-examination shall be reduced to writing and put by the County Solicitor attending the Council.

Whenever confusion arises in the hearing room, or demonstrations of approval or disapproval are indulged in by the occupants of the hearing room, it shall be the duty of the Chair to enforce order on its own initiative without any point of order being made by a Councilmember; under circumstances of confusion and disorder, the Chair shall have the power, and it shall be the duty of the Chair, to order the hearing room cleared, and the Chair may, upon its own motion without a second or putting the matter to a vote, order the hearing adjourned to a fixed hour and date.

- (b) *Questions by Council.* Any member, upon recognition by the Chair, may question any speaker or witness.

(Res. No. 140, 1994; Res. No. 11, 2011)

Rule 1.014 - Rules, suspension and amendments.

- (a) *Suspension of Rules.* These rules may be suspended in whole or in part by a vote of four members of the Council, except where failure to observe the rules would be contrary to the requirements of the Charter or other law. Separate suspension of the rules shall be necessary for each proposition and an explanation shall be given by the maker of the motion as to why the rules need to be suspended. In no case shall these rules be suspended for the purpose of amending or repealing them at the meeting at which the suspension is effective.
- (b) The rules of procedure shall be adopted and amended by Council resolution after reasonable notice which gives interested parties an opportunity to submit data or views orally or in writing.
- (c) *Robert's Rules of Order, Revised.* The rules of parliamentary practice set forth in the latest published edition of Robert's Rules of Order, Revised shall govern the Council in all matters not provided for in these rules.
- (d) *Failure to Follow the Rules of Procedure.* A council action that is otherwise valid is not invalid because of the failure to follow these Rules of Procedure or the rules of parliamentary practice set forth in Robert's Rules of Order, Revised.

(Res. No. 21, 1993; Res. No. 140, 1994)

Rule 1.015 - Officers and employees of the Council.

- (a) *Administrator.* There shall be an Administrator to the Council whose duties shall be to keep minutes of its meetings, maintain its journal and provide such other administrative services as are required to assist the legislative process, including, but not limited to, those outlined in these Rules of Procedure. There shall also be additional clerical and staff assistance, full or part-time, as the Council may provide from time to time under the provisions of the Charter and subject to the budget. The Administrator shall have the duty and responsibility, and shall be accountable to the Chairperson, for the overall coordination, direction and supervision of the employees of the Council.
- (b) *County Solicitor.* The County Solicitor shall be the legal advisor and shall provide technical assistance for the development of legislation for the Council. The County Solicitor shall attend the Council in all its meetings and at all other times as the Chairperson may direct. With the approval of the Chairperson, the County Solicitor may delegate these duties, from time to time, to an Assistant County Solicitor.
- (c) *County Auditor.* There shall be a County Auditor who shall have such duties as the Charter provides and as the Council may, by resolution, establish.
- (d) *Other Assistance.* The Council may, by resolution or as provided in the County budget, employ such legal, financial, technical or other assistance as it may from time to time deem necessary.

(Res. No. 140, 1994)

Rule 1.016 - Tax increment financing.

- (a) *In General.* The County Council shall ensure that its consideration of legislation authorizing the issuance of bonds in accordance with the Maryland Tax Increment Financing Act complies with the requirements of this Rule.
- (b) *Required Provisions in Legislation.*
 - (1) The Council shall consider requiring the legislation to identify and describe the specific public improvements to be financed wholly or partly by the proceeds of the bonds authorized by the legislation.
 - (2) For the improvements identified in paragraph (1) of this subsection, the Council shall consider requiring the legislation to include:
 - (i) Detailed description of the improvements;
 - (ii) The current estimated cost of each of those improvements; and
 - (iii) Specification of which costs are being authorized for the potential use of bond proceeds.
- (c) *Specific Authorization.* If the Administration presents a high level of certainty about exactly which public improvements are planned to be financed by the proceeds of the bonds authorized by the legislation, the Council may choose to limit the authorization specifically to those improvements.
- (d) *Safeguards Required for Flexibility.* The Council may choose to define the scope of the public improvements to provide greater flexibility in the potential use of the bonds authorized by the bill. However, to ensure that tax increment revenues are spent in a transparent manner consistent with the Council's legislative intent, the Council shall consider that such flexibility may be accompanied by:

Appropriate requirements, safeguards, or notice provisions to ensure that, before bonds are issued, the Council will receive detailed information on final plans for the use of bond proceeds with sufficient time for the Council to review and evaluate any proposed changes and take legislative action if needed.

(Res. No. 149, 2017)

Rule 1.017 - Howard County Council policies and procedures.

The Howard County Council shall have policies and procedures in order to conduct the business of the Council. The policies and procedures shall be reviewed every four years after each newly elected council is sworn in. The policies and procedures may be amended by a majority vote of the Council after this review or at any other time during the term the Council wishes to amend the policies and procedures.

(Res. No. 149, 1997)

Appendix A

INTRODUCED _____
PUBLIC HEARING _____
COUNCIL ACTION _____
EXEC. ACTION _____
EFFECTIVE DATE _____

COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND
19__ legislative session, legislative Day No. _____
bill No. _____

Introduced by: _____

Cosponsored by: _____

AN ACT

Introduced, read first time, ordered posted and public hearing scheduled.

By Order: _____, Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of bill having been published according to Charter, a public hearing was held on _____ and continued to _____ and concluded on _____.

_____, Administrator

bill No. _____

BY THE COUNCIL

Read the third time.

Passed _____ (With Amendments)

Failed of Passage _____

BY ORDER

_____, Administrator

Sealed with the County Seal and presented to the County Executive for his approval this ____ day of _____, 19__ at ____ o'clock ____ m.

____, Administrator

BY THE EXECUTIVE

Approved:

Date County Executive

(Res. No. 140, 1994)

Appendix B

BY THE COUNCIL

This bill, having been approved by the Executive and returned to the Council, stands enacted on _____, 19__.

Administrator

BY THE COUNCIL

This bill, having been passed by the yeas of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 19__.

Administrator

BY THE COUNCIL

This bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 19__.

Administrator

BY THE COUNCIL

This bill, having been passed by the Council and requiring no further action by the Executive, stands enacted on _____, 19__.

Administrator

BY THE COUNCIL

This bill, having not been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 19__.

Administrator

BY THE COUNCIL

This bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council, stands failed on _____, 19__.

Administrator

BY THE COUNCIL

This bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council,
is withdrawn from further consideration on _____, 19__.

Administrator

(Res. No. 140, 1994)

Appendix C
COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND

19__ legislative session ____ Date _____
resolution No. _____

Introduced by: _____

Cosponsored by: _____

RESOLUTION

By the Council _____, 19__

Introduced, read first time

Public Hearing _____

By Order _____, Administrator

Adopted
Withdrawn
Failed

By the Council _____, 19__

Certified _____ Administrator

(Res. No. 140, 1994)

Appendix D
COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND

19__ legislative session ____ Date _____
Petition No. _____

IN THE MATTER OF THE PETITION OF _____

FOR _____

To the Administrator, County Council of Howard County,

Under the Authority of _____ (PLL) _____ (Rule No.) _____ We, the undersigned citizens of Howard County, Maryland, hereby Petition the County Council of Howard County for the following:

- (1) That a resolution be adopted
- (2) (bill be introduced)
- (3)
- (4)

And for reasons therefor say:

/s/ _____

(Res. No. 140, 1994)

CODE COMPARATIVE TABLE - Public Local Laws

This is a chronological listing of the public local laws pertaining to the county which were used in this Code.

Public Local Law				
Year	Chapter	Article	Section	Section this Code
1860		13	22	10.200
			33	7.200
			34	7.201
1870	142			18.205
1880	423			12.300
1888		14	45	12.300
			47	10.200
			99	7.200

			100	7.201
			113	18.205
1892	280		1	18.300
			2	18.301
1894	496		101A	17.203
			101B	17.200
			101C	17.201
			101E	17.203
1896	317		5	20.103
			7	20.104
			11	20.105
1900	455		5	20.103
			7	20.104
1904	150			15.100
1908	344(p. 870)			20.104
1910	4		1(p. 905)	7.301
			2(p. 905)	7.302
1912	211			15.300
1918	17			17.201
	238		2—6	15.300—15.304

1924	323		1	7.301
			2	7.302
1930		14	32	18.300
			33	18.301
			51	7.301
			52	7.302
			74	12.300
			97	20.103
			99	20.104
			102	20.105
			116	10.200
			194	15.300
			195—198	15.301—15.304
			231	17.203
			232	17.200
			233	17.201
			235	17.203
			298	15.100
			227	7.200
			229	7.201

			252	18.205
1931	32			8.108
1933	4		99	20.104
	93			17.202
1935	229			17.201
	526		53—56	7.303—7.306
1936	27			17.201
1943	129			17.201
	397			20.103
	398		65B, C	20.100, 20.101
	399			20.104
	609			17.201
	648		291A	9.100
			291B	9.101
1945	195			17.100
	652		51	7.301
			52	7.302
1947	459		198B—H	17.101—17.107
	590		73B	18.400
			73C	18.401

	666		231	17.203
			232	17.200
			233	17.201
			235	17.203
1949	388			7.301
1951	131			3.102
			33B	3.100
			33C	3.101
			33E—G	3.103—3.105
1953	255			3.100
	520			14.200
1955	199			17.108
	516		65C	20.101
			99	20.104
	547		198J	13.100
			198K	13.101
			198L	13.102
			198M	13.102
				13-103, 13-104
1957	176		97	20.103

			99	20.104
	177		33B(6)	3.100
			33C	3.101
			33F	3.104
1957	235			20.102
	438			18.209
	516			20.103
1959	508			20.200
1961	406		1	17.108
	529			1.400
	634		1	17.203
	747			3.101
	770		2	7.400
	802		1	20.103
	877		1	13.200—13.213
1963	40			20.103
	269		1	19.100
	421			20.104
	764		1	17.203
	810			10.100

	825		17	17.108
				20.100—20.103
1964	16		1	13.100—13.104
1965	190			1.401
	237		1	7.301
				7.302
	515			20.401
				20.403, 20.404
			1	9.102
				15.101
				19.100
				20.405
	899			13.100
			1	13.101
	911		1	3.106
1966	109			8.400
	214			15.200—15.214
	600			8.200
	609			20.400
	740			18.206—18.208

1967	258			3.107
	330			17.108
	378			11.100
	625			13.214
	734			7.300
1968	256			20.401
				20.402—20.405
	388			10.200
1970	87		1	7.301—7.306
1974	847		1	7.307
1975	706		1	7.307
1978	496		1	20.404
	719		1	7.307
1981	202		1	19.100
1984	367			20.404
1988	630		1	20.404
1991	239		Added	16.1100
1992	285		1 Rpld	16.1100
			2 Added	20.1100
1993	356			26.100—26.110

1994	35	14	1	26.105(a)
1996	268	14	1	26.102(b)(1),
				(g)(1), (2)
				26.105(a)
1996	493		1	20.1100
1996	640	14	1 Added	26.300, 26.301
2000	193	14	1	26.301
	80			17.102
2004	420	14	1	20.142
2011	139	14	1	20.400
2013	510	14	1 Added	20.400(d)
2016	1	14	1 Added	20.400(e)
2017	148	14	1	20.300
2018	138	14	1	20.300
2019	744	14	1	20.142

CODE COMPARATIVE TABLE - Council Bills

This is a numerical listing of the Council bills of the County used in this Code.

Council Bill		
Year	Number	Section

		this Code
1969	1	16.202, 16.203
		16.300
		16.301—16.306
	3	16.200, 16.201
		16.204—16.209
	5	18.201—18.203
	7	17.300—17.306
	8	8.100—8.107
	10	16.400
	11	22.100
	12	22.101
	13	17.307
	17	18.100, 18.101
		18.102
		18.104—18.123
	19	3.300—3.302
	20	20.300—20.302
		20.303—20.311
		20.312—20.314

	21	1.100
		1.102—1.106
		1.107—1.122
	22	2.200—2.220
	24	4.100—4.118
	29	1.300, 1.301
	32	3.200—3.214
		3.211—3.214
	33	12.100—12.112
	35	1.200—1.211
	39	14.100—14.108
	40	18.204
1970	1	19.300—19.304
	4	18.402
	5	12.113—12.117
	6	3.400—3.404
	7	2.100—2.107
	9	3.300
		3.303—3.306
	10	16.500—16.516

	13	14.300—14.304
	15	14.110
	16	1.117
		1.118, 1.119
	18	1.210
		1.211
	19	22.200—22.202
	21	12.118
	23	16.210
	25	6.100
	28	17.109—17.113
1971	6	18.204
	7	15.400—15.403
	8	1.301
	10	1.117
	13	20.106
	14	17.301—17.304
	15	1.300
	18	1.211
	19	1.101

	20	3.302
	25	8.500—8.503
	26	1.117
	35	14.400—14.431
	36	19.101
	37	19.200, 19.201
	38	3.400—3.404
	40	1.301
1972	1	3.500—3.516
	6	14.500—14.509
	7	17.108
	13	14.103
	25	20.311A
	27	18.103
	28	18.210
	29	14.600—14.602
	33	1.101
	44	18.700
	45	18.114
	47	12.104

	49	20.311
	50	8.101, 8.103
		17.300, 17.303,
		17.305
	52	17.400
	53	18.124
	54	18.124
	62	13.106
1973	8	12.119
	11	20.106
	12	3.207, 3.210
	13	18.124
	14	18.124
	16	18.124
	17	18.124
	18	18.124
	19	18.124
	20	18.124
	21	18.124
	22	20.302A

	23	20.304
	24	18.101A
	25	16.600, 16.601
	33	7.300
	38	16.305
	41	8.401
	42	14.407
	46	8.600
		12.400—12.409
	48	1.300, 1.301
	56	22.101
	58	1.210
		1.211
	59	1.117
	60	1.106A
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	63	18.124
	64	18.124
	65	18.124
	66	18.124

	67	18.124
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	29	18.124
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	31	18.124
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	35	18.124
	36	18.124
	37	18.124
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		12.608(a), (c),
		13.103, 14.101(d),
		14.303, 14.580,
		14.710, 16.208,
		16.401, 16.518(a),
		16.601(h),
		17.100—17.102,
		17.107, 17.114(k),
		17.301(XII), (XIII(a)),
		17.302(I)(f), (II)(f),
		(V)(a), 17.303(II)(a),
		(V)(a), 17.304(II)(a),
		(III)(a), 17.305(II)(e),
		17.306(V), 17.412,
		18.121, 18.122A(M)(8),
		18.208, 18.401,
		18.402(f), 18.503,

		18.606, 18.907,
		19.201, 19.515,
		21.602(b), 21.715
	34 Amd	3.502(a),
		(b)(1), (2),
		3.503(e)(2),
		3.505A(a), (b)
	35 Rpld	20.103
	Added	20.103
	37 Added	1.101A
	38 Amd	8.400
	Added	8.404
	Rnbd	8.404, 8.045 as
		8.405, 8.400
	40 Added	20.110
	41 Added	22.206(e)
	42 Amd	3.501(b), (4),
		3.502(e)
	43 Added	1.102(z-1)
	Amd	1.120(g)

	48	Rpld	15.100, 15.101
	49	Rpld	8.200
	52	Added	8.900
	53	Amd	18.122A(F)(8), (G)(3),
			(5), (6), (M)(1),
			(3), (11), (N)
	61	Amd	17.108
	62	Added	5.300
	64	Added	25.100—25.103
	66	Added	1.304(7915)
1986	1	Amd	5.200
	2	Amd	6.100
	4	Amd	16.301(c)
	7	Added	14.401(bb)
		Amd	14.407(b)
	8	Added	11.200—11.202
	9	Amd	12.204(IV), (VII), (X)
	10	Rpld	3.206(b)
		Rnbd	3.206(c)—(e)
			as (b)—(d)

		Amd	3.207(c), 3.213
	11	Amd	17.301(XII),
			17.302(I)(f), (II)(f),
			17.303(II)(a),
			17.304(II)(a), (c),
			17.305(II)(c), (f),
			17.306(IV)(b)(9)g,
			(V), 24.103
	13	Amd	16.113(c)(2)
	18	Rpld	3.300—3.311
		Added	3.300—3.311
	19	Amd	1.102(u),
			1.116(c)
	20	Amd	1.121(b)
	21	Amd	1.117(g)(5), (10)
	22	Amd	1.114
	24	Amd	20.314(4),
			20.315(3)
	25	Amd	12.106(a)(3),
			(b)(5)

	26	Amd	4.401—4.406
	34	Amd	1.300, 1.305(4)
	36	Rpld	14.100—14.110
	40	Amd	14.100—14.110
			20.314(4), 20.315(3)
	48	Amd	1.101A(b)(1),
			(3), (4)
		Added	1.114(h)
		Amd	1.116(d)
		Added	1.116(g)—(i)
		Amd	1.117(b), (f)—(h)
		Added	1.117(j)(8)
		Amd	1.118
		Amd	1.119(3), (4)
		Added	1.119(9)
		Amd	1.121(b)
		Amd	1.300(P)
	49	Amd	15.509(e)
	55	Rpld	1.500—1.511
		Added	23.300—23.311,

			23.400—23.410,
			23.500—23.509
	56	Amd	22.500—22.503
	57	Rpld	23.100, 23.200
		Added	23.100—23.102,
			23.200—23.202
	58	Rpld	1.210(1874)
		Added	1.210(1875),
			(8161/8162),
			(8164), (8165)
		Amd	1.211, 1.301
	59	Amd	1.302, 1.303
	60	Amd	1.116(d)
		Amd	1.119(9)(a)
	64	Amd	1.402
1987	11	Amd	1.302(2), (5)
	12	Amd	16.113(b)(6)
	13	Amd	18.122A
	14	Amd	20.300—20.307,
			20.316

	17	Amd	16.137(d)
	18	Amd	2.207, 2.208,
			2.215, 16.303
	21	Amd	3.214(a), (b)
	27	Amd	1.210(0155),
			(0194), (1105),
			(1106), (1346),
			(3113), (3162),
			(7134), (7135),
			(7728), (7774),
			(8151), (8152),
			(8155), 1.211,
			1.301(1105),
			(1106), (1365),
			(3162), (7134),
			(7135),
			(7330)—(7332),
			(7530), (7728)
		Added	1.210(0744),
			(1107), (1180),

		(1327), (1336),
		(1345), (3101),
		(3102), (5210),
		(6601), (7136),
		(7530), (8730);
		1.301(0744), (1107),
		(1180), (1327),
		(1336), (1345),
		(3101), (3102),
		(5210), (6601),
		(7136), (8730)
	Rpld	1.301(0155)
	28 Amd	1.304(1144),
		(3324), (3326)
	Added	1.303(1710),
		(9618);
		1.304(3323)
	Rpld	1.304(1115),
		(1142)
	29 Amd	1.300, 1.305(4)

	34	Amd	16.300A
	37	Added	1.302(5446)
	43	Added	1.302(5933)
	44	Amd	1.101A(b),
			1.114(h),
			1.116(d), (i)(1)(i),
			1.117(e), (f), (g), (10),
			1.121(b)
		Added	1.116(j)
	45	Amd	1.300(Sch. H),
			(Sch. P), (Sch. F),
			1.305
	46	Amd	1.116(d)
	57	Amd	1.102(r)
	59	Added	4.402(e)
	61	Added	19.200(t)
		Amd	19.201(b)
	62	Amd	18.101,
			18.118
	64	Added	20.111

	72	Added	15.509(h)
		Rnbd	15.509(h) as (i)
	73	Amd	16.601(b)(1)
	75	Amd	1.302(65), (0205)
	78	Rpld	1.210(5170), (5210), (5246), (5265), 1.211(5170), (5210), (5246), (5265)
		Added	1.300(36), (37)
		Rpld	1.301(5170), (5210), (5246), (5265)
		Amd	1.302
		Rpld	1.303(6385)
	79	Amd	1.101(a)(2)
	80	Amd	1.105(63)
1988	2	Amd	16.601(c)(2), (f)(4), (i)
	3	Rpld	15.506(a)(5)
		Amd	15.507(a), 15.508(a)(3), (c)

	Rpld	15.5089(a)(5)
4	Amd	3.209(a), (b)
12	Amd	22.205(d)(7)
20	Amd	1.300
21	Amd	16.127(3)
23	Amd	1.116(e), (j),
		1.117(f), (g)
	Added	1.117(h)(7)
	Rnbd	1.117(h)(7) as (8)
24	Added	1.210(1373),
		(5183), (5411),
		(5725), (6156),
		(7125), (7335),
		(7531), (7533),
		(7535), (7712),
		(8103), (8104),
		(8424), (8465),
		(9125)
	Amd	1.210(5525),
		(5723), (6155),

		(7333), (7334),
		(7344), (7348),
		(7538), (8423),
		(8646), (9625),
		1.211,
		1.300(Sched. F),
		1.301(1373), (5183),
		(5411), (5525),
		(5725), (6155),
		(6156), (7125),
		(7333)—(7335),
		(7344), (7348),
		(7531), (7533),
		(7535), (7538),
		(7539), (7552),
		(7554), (7712),
		(7768), (7772),
		(7774), (8103),
		(8104), (8423),
		(8424), (8645),

		(9125), (9625)
	25 Amd	1.302(0302),
		(7776),
		1.304(7923)—(7926)
	26 Amd	22.600(a)
	29 Rpld	14.400—14.432
	Added	14.400—14.433
	30 Amd	16.601(f)(4)
	32 Amd	14.702
	36 Amd	1.101A(b)(1), (2)
	Added	1.106(c)(3)e
	Amd	1.114(h),
		1.116(d)(2)a, (g)(1),
		(j)—(2)(i), (iii)
	Added	1.116(k)—(m),
		1.117(b)(5)(iii),
		(e)(2)(ii)
	Amd	1.117(g)(10)(i), (iii)
	Added	1.117(i)(10)
	Amd	1.118(2),

		1.119(a), (d),
		1.605(b)
	37 Amd	1.300(Sched. F)
	39 Amd	19.515(b)
	40 Added	12.400, 12.401
	41 Amd	12.212.iv
	42 Amd	3.402(c)
	43 Amd	12.106
	45 Rpld	12.600—12.609
	Added	12.600—12.612
	46 Amd	20.111
	47 Amd	16.120(b)(1)h
	Amd	16.120(b)(2)h
	Added	16.121(b)(2)y
	Added	16.148(a)(7)h
	56 Amd	1.302
	57 Added	20.112
	60 Rpld	3.100
	Added	3.100
	61 Added	16.108(74)

	Amd	16.700—16.705
62	Amd	Tit. 1(title)
	Added	1.100A, 1.101A
	Amd	1.101, 1.102(c),
		1.104(title), (a)1.114,
		1.202, 1.203,
		1.205, 1.207,
		1.209, 1.210(5125),
		(6183), (7747), (8195),
		1.301(5125), (6183)
		(7747), (8195), 1.302,
		3.100.II. 1, 5, 8, 9, 15,
		16, 22 (114.2), 24, 29,
		3.201(b), 3.202, 3.203
		(c)(5), 3.207, 3.209,
		3.214(c), (d), 3.215,
		3.216, 3.302(2)(a),
		3.303(1), 3.304(3), (4),
		(7)(a), (c), 3.306(3),
		3.307(6)(b), (c), 3.309,

		3.310, 3.400, 3.401(e),
		3.402(b), 3.403(c)(3)g,
		(e), 3.404(a), (b), (d), (e),
		3.405(b), 3.406, 3.407
		3.501(c)(8), 3.502(e), (f),
		3.504(a), 3.505A(b),
		3.507(f), 3.509(a), (b),
		3.511(a), (b), (d), 3.512
		(a), (b), 3.514(c), (d)
	Added	3.600, 3.601
	Amd	4.102(t),
		4.401(d), Tit. 6(title),
		Tit. 6, Subtit. 1(title)
	Added	6.200—6.210,
		6.300—6.333,
		6.400—6.404
	Amd	7.500—7.503,
		8.406, 12.101,
		12.202—12.205,
		12.400, 12.500(a)—(c),

		(d)(14), (15), 12.501,
		Tit. 12, subtit. 7(title),
		12.701, 12.702
	Added	12.900—12.902
	Amd	13.400—13.402,
		13.500—13.502
	Rpld	14.101.1
	Rnbd	14.101.II—X as I—IX
	Amd	14.101—14.106,
		14.109, 14.200, 14.428
		14.503, 14.504(a),
		(c)—(f),
		14.505, 15.400,
		15.504, 16.116(c),
		16.117(e), 16.143(1)(b),
		16.500(b), 16.501(e),
		16.601
	Added	16.800, 16.801,
		16.900, 17.100A,
		17.100B

	Amd	17.114
	Added	17.200A
	Amd	17.300—17.307,
		17.400(f), 17.401,
		17.402
	Added	18.1000,
		18.1001, 18.1100,
		19.600, 19.601,
		19.700, 20.1000
	Amd	21.1200, 21.1202
	Added	22.400A
	Amd	22.203(a)—(f)
	Rpld	25.100—25.103
	63 Amd	18.402
	66	Tit. 16,
		Subtit. 1(note)
	Amd	16.102(Intro. ¶),
		(b)(1), 16.102(c),
		16.108, 16.112,
		16.113(b), 16.115(c),

		16.116, 16.117
	Added	16.119(b)(1)l,
		16.120(b)(1)w,
		16.120(b)(2)u,
		16.121(b)(2)q
	Rnbd	16.121(b)(2)q—y
		as r—z
	Amd	16.121(d),
		16.126(3)
	Added	16.129(8)
	Amd	16.134
	Added	16.143—16.150
	67 Amd	2.207(b), 16.303
	68 Amd	16.203(a),
		16.204
	69 Amd	16.305
	70 Amd	18.112, 18.202
	72 Amd	18.101,
		18.125(5)(d)
	75 Amd	22.600(a)

1989	5	Amd	4.102(h), (ac),
			4.103(k),
			4.106(a)(3), 4.108(a)
	6	Added	11.300
	7	Amd	6.300
	8	Amd	1.106(a), (c)
	9	Added	15.509(j),
			15.604(d)
	13	Amd	17.100B
	17	Amd	15.503,
			15.504(h)(6),
			15.506(a), 15.507
		Added	15.508(f)
		Amd	15.603, 15.605
	21	Amd	5.100—5.104
	22	Amd	12.110(b)—(d)
		Added	12.111
		Rnbd	12.111, 12.112 as
			12.112, 12.113
	23	Added	17.401(d)(13)

	Added	17.500—17.504
	24 Amd	20.112
	25 Amd	16.117(a), (c)
	27 Amd	1.102(y)
	Added	1.102(d), (o), (ii)
	Rnbd	1.102(d)—(m)
		as (e)—(n),
		(n)—(z) as (p)—(bb),
		(z-1) as (cc),
		(aa)—(ee) as (dd)—(hh),
		(ff)—(jj) as (jj)—(nn)
	Amd	1.109(b)(2), (3),
		1.116, 1.118, 1.119,
		1.206, 1.210(0191),
		(0192), (0194),
		(1644), (1744),
		(5521), (5523),
		(7539), (7552),
		(7554), (8645),
		(9113), (9546),

		(9581), (9582),
		(9721), (9723),
		(9725)
	Added	1.210(1177),
		(1340), (5410),
		(5522), (8453),
		(9615), (9722)
	Rpld	1.210(1107),
		(1365), (1625),
		(1630), (5851),
		(9545), (9585),
		(9911)
	Amd	1.211,
		1.300—1.305
	33(Res.) Amd.	App. A,
		§ 5.206(b)
	35 Added	18.112(f)
	38 Amd	1.302(8430),
		14.402(d),
		14.427(b)(5),

		14.431(b)(7),
		3.204(b), 3.205(b),
		3.207(c), 3.213(c)
	43 Added	16.1000—
		16.1012
	43(Res.) Amd.	App. A,
		§§ 5.200(b)
		5.206(a), 5.211(b)
	Added	App. A,
		§§ 5.206(f),
		5.211(f)
	44 Rpld	13.100—13.103
	Added	13.100—13.132
	45 Amd	15.507,
		15.508(a)
	48 Amd	14.109.l
	49 Added	1.02(5521/5522)
	Amd	1.116(e)(2),
		1.210(5161/5162)
	Rnbd	1.210(5723)

	as	(5523), (9546)
	as	(9545)
	Amd	1.210(9581),
		(9582),
		1.300(Sch. F),
		(Sch. 11),
		1.301(3101),
		(3102)
	Added	1.301(7322),
		(7324)
	Amd	1.301(7538),
		(7539), (8165),
		(9625), (9956)
	Rnbd	1.302(5720)
	as	(5720)
	Added	1.302(6620)
	Rnbd	1.304(5560),
		(5561)
	as	(5650), (5651),
		(5563)

	as	(5653), (5565)
	as	(5655), (5567)
	as	(5657), (5569)
	as	(5659)
	Amd	1.304(6125)
50	Amd	1.101B
	Rpld	1.10(c)(3)e,
		1.114(h), 1.116(d)(7),
		(g)—(i), (j)(4),
		(k)—(m), 1.117(b)(5),
		(e)(2), (l)(12), (g)(10),
		(h)(8), (i)(10), (j)(8),
		1.121(b)(1)—(4),
		1.605(b)(2)
63	Amd	1.300(Sch. C),
		1.301(7315),
		(7330)—(7332)
65	Amd	3.507(a)
66	Added	6.334, 6.500
	Rpld	19.300—19.304

	67	Added	6.335, 12.1000
	69	Rpld	17.300—17.307
		Added	17.300—17.310
	82	Added	13.700—13.708
	88	Amd	1.117(j)(3)
	89	Rpld	3.300—3.311
		Added	3.300—3.309
	90	Amd	3.501(b)(3)
		Rpld	3.501(b)(4)
		Amd	3.502(a),
			3.503(e)(2)
		Added	3.503(j), (k)
		Amd	3.505(a)(6)
		Added	3.505(a)(7)
		Amd	3.511(d),
			3.512(a), (c)
		Added	3.514(b)
		Rnbd	3.514(b)—(r)
		as	(c)—(s)
	91	Amd	3.403(c)(3)h,

		(d)(1)
	94 Rpld	16.300—16.306
	Added	16.300—16.303
	95 Rpld	2.200—2.218
	Added	2.200—2.213
	98 Added	16.1002(c)(11)
	104 Amd	16.1002(c)(5)
	105 Added	18.402(i)
	106 Amd	3.503(b),
		3.505A(b)
	107 Amd	5.200
	108 Amd	6.100
	115 Added	13.800—13.815
	116 Added	13.900—13.910
	117 Amd	1.302(j)(5210),
		6.200(a), 6.201(d)
	Added	6.201(i), 6.211
	Rpld	6.401(d)(7),
		6.403
	Added	6.403, 6.405

		Rpld	17.100A(d)(1)
			(vi), (2)
		Amd	18.1001(c)(4),
			(7), (11),
			23.100, 23.201
		Added	25.100, 25.101
	118	Amd	1.400, 1.401,
			4.105(a)
1990	9	Amd	21.123, 21.710
			21.902
	10	Rpld	App. B, §§
			2.100—2.117
		Added	App. B, §§
			2.100—2.124
	11	Amd	1.110(d)(4)
	13	Added	16.103(b)
		Rnbd	16.03(b), (c)
		as	(c), (d)
		Amd	16.900(i)
		Added	16.900(j)(2)(iii)

	28	Added	21.1300—
			21.1304
	29	Added	1.102(o)
			(1343/1344),
			(1731/1732)
		Amd	1.210
			(1341/1342)
		Rpld	1.210(1344)
		Added	1.210
			(1343/1344), (1423)
		Amd	1.210(1435)
		Added	1.210(1642)
		Amd	1.210(1644),
			(1731/1732),
			(1875), (1876),
			(3115)
		Rpld	1.210(3162)
		Amd	1.210(3164),
			(3166)
		Added	1.210(3171)

	Rpld	1.210(5145)
	Amd	1.210(5165)
	Added	1.210(5195)
	Amd	1.210(5235)
	Added	1.210(5524), (5845)
	Amd	1.210(6130)
	Added	1.210(6182),
		(6184), (7143)
	Amd	1.210(7145)
	Added	1.210(7155),
		(7323)
	Amd	1.210(7531),
		(7533), (7535),
		(7536), (7538),
		(7539), (7539),
		(7552), (7554),
		(7710)
	Added	1.210(7714)
	Amd	1.210(7725)
	Added	1.210(7726)

	Amd	1.210(7728)
	Added	1.210(7754)
	Amd	1.210
		(8101/8102),
		(8103/8104),
		(8131/8132),
		(8135), (8145),
		(8147),
		(8151/8152),
		(8155)
	Rpld	1.210(8157)
	Amd	1.210(8165),
		(8175), (8177),
		(8265), (8631),
		(8632), (8646),
		(8735),
		(8835),
		(9234)
	Added	1.210(9235)
	Amd	1.210(9255),

		(9582)
	Added	1.210(9616)
	Amd	1.210(9621),
		(9919), (9952),
		(9954), 1.211,
		1.301(1341), (1342),
		(1423), (1642),
		(1644), (1875),
		(3164), (3173),
		(5235), (7145),
		(7728), (8165),
		(8177), (8185),
		(8265), (8846),
		(8735), (9952),
		(9954)
	Rpld	1.301(1342)—
		(1344), (3162),
		(5145),
		(6130), (8157),
		(9255), (9919)

	Added	1.301(1343),
		(1344), (1423),
		(1642), (3171),
		(5195), (5524),
		(5845), (6130),
		(6182)—(6184),
		(7143), (7155),
		(7323), (7714),
		(7726), (7754),
		(9235), (9255),
		(9616), (9919)
	Rpld	1.303(6182),
		(6184)
	Amd	1.303(7751),
		1.304(1135)
	Added	1.304(1167)
	30 Added	18.204
	40 Amd	1.118(1),
		1.119(4)(a), (b)
	Rpld	1.119(4)(c)

		Rnbd	1.119(4)(d),
			(e) as (c), (d)
		Amd	1.300
	51	Added	13.1001—
			13.1022
		Amd	22.205(a)(3),
			23.102(a)
	55	Amd	16.100(F)
		Added	16.100(i)
		Rnbd	16.1001(i)—(p)
			as (j)—(q)
		Amd	16.1005(d)(2)
	57	Added	3.100.II.18A
	58	Amd	21.1302
	59	Amd	1.110(e)(1)
	60	Amd	1.211
	61	Amd	16.1007(d), (e)
		Added	16.1007(f),
			16.1007A
	62	Added	16.1002(c)(12)

	63	Amd	1.101B(b)(1),
			1.300.P,
			1.301(7762), (7764),
			(7766), (7767)
	93	Added	20.113
	99	Amd	3.214(a), (b)
	100	Amd	13.103(a)
	101	Amd	18.902(c)(5),
			18.903(d), (e)
1991	5	Amd	20.103
	10	Amd	16.118(1)—(9),
			16.119(c), (d),
			16.120(a)(3), (4),
			16.121(a), 16.143(4)
	12	Amd	Tit. 12,
			subtit. 10(note),
			16.1000(b)(2)
		Added	16.1001(o)
		Rnbd	16.1001(o)—(q)
			as (p)—(r)

	Amd	16.1001(p)(3),
		16.1002(a)
29	Amd	14.415(a)
32	Amd	3.400,
		3.403(c)(3)e(iv)
38	Amd	20.103(b)
40	Amd	14.412(h)
41	Amd	1.116(c)
42	Amd	1.116(j)
43	Amd	1.300(Sch. G),
		1.301
44	Added	1.118(1)
	Rnbd	1.118(1)—(3)
		as (2)—(4)
47	Amd	17.500, 17.501
	Added	17.502
	Rnbd	17.502—17.504
		as 17.503—17.505
	Amd	17.505
	Added	17.506

	50	Amd	18.122B(A),
			(B)(7), (9), (12),
			(C)(1), (7)(g)
	51	Added	4.201A
	53	Amd	21.402
	54	Amd	1.105(3),
			1.110(d)(1), 1.111
		Rpld	1.121(a)–(c)
		Added	1.121(a)–(i)
		Rnbd	1.121(d) as (j)
		Amd	1.204
		Rpld	1.209
	55	Amd	14.503(b)(1)
	56	Amd	3.204(d)(1), (2),
			3.205(d)(1),
			3.206(d)(1), (2),
			3.207(c),
			3.209(a), (b), (d), (e),
			3.213(c), 3.214(b)(2),
			3.215

	61	Added	13.1100—13.1112
	62	Rpld	1.118(1)
		Rnbd	1.118(2)—(4)
			as (1)—(3)
	63	Added	1.106(j)
		Amd	1.116(f)
	65	Added	4.110
		Rnbd	4.110, 4.111
			as 4.111, 4.112
	66	Added	20.109(j)
	67	Amd	16.207(b)
	68	Amd	1.302(c)
		Added	1.302(j)(6230)
	69	Amd	14.702(a)
		Rpld	14.702(c)
		Amd	14.706(a)(8),
			14.709
	72	Amd	1.300(2)(R2)
	73	Amd	1.101B(b)(2)
		Rnbd	1.210(7530)

		as (7520)
	Added	1.210(7530)
	Rpld	1.210(7531)
	Rnbd	1.210(7532)
		as (7531), (7534)
		as (7532)
	Amd	1.210(7533)
	Added	1.210(7534),
		(7535)
	Amd	1.210(7536)
	Rnbd	1.210(7535)
		as (7537)
	Rpld	1.210(7537)
	Amd	1.210(7538),
		1.211, 1.300(2)F,
		1.301(7520),
		(7530)—(7537),
		1.401(c)(7530)—(7537)
	Amd	App. C(Fire)
	89 Amd	20.200

	90	Added	17.600—17.612
	91	Amd	12.1000(b),(c), (e)
	92	Amd	1.101B(b)(3), 1.300(2)C, App. C(AFSCME 3080)
	99	Amd	1.101B(b)(4), 1.300(2)H, App. C(AFSCME 3085)
	100	Amd	1.101B(b)(1), 1.300(2)P, App. C(Police)
	104(Res.)	Amd	App. A, §§ 5.206(c), 5.207
	105	Added	1.304(1752), (7927)
	106	Amd	1.304(7751)
	111	Amd	22.203(c)
	113	Amd	1.110(b)(1)
		Added	1.117(intro ¶)
		Amd	1.117(b)(2), (g)(2)—(4), (6), (8),

		(h)(1), 2(iii), (v)
	114 Amd	20.1001(c)(3)
	117 Added	19.800, 19.801
	125 Added	16.515(e)
	127 Amd	12.401(b),
		(c), (h)(3)
	129 Amd	20.113
	132 Added	20.114
	136 Added	1.102(r)
	Rnbd	1.102(r)—(nn)
		as (s)—(oo)
	Added	1.117(j)(intro ¶), (k)
	137 Amd	13.300, 13.301
	138 Amd	12.200.II, III
	Added	12.201.III, VI,
		VII, IX, XVI
	Amd	12.202.VII, VIII,
		IX(c)—(e), (g)—(i)
	Added	12.205.IV(5)
	Amd	12.207

	Added	12.207A—12.207C
	Amd	12.208.I(a),
		III(d), 12.209.I,
		12.210.I, 12.211.I,
		12.212(title)
	139 Rpld	3.100
	Added	3.100, 3.101
	143 Amd	14.702(a)
	149 Added	17.109
	150 Added	1.400(e),
		1.401(e)
	151 Amd	1.302(a)—(h)
	Added	1.302(i), (j)
	Rnbd	1.302(i), (j)
		as (k), (l)
	Amd	1.302(l)
	Rpld	6.201(c),
		6.202(d)
	Added	6.212
	Amd	6.401(d)(8),

		12.901(c)
	Rnbd	12.902 as 13.404
	Amd	13.400,13.401(e),
		13.404
	Added	13.405
	Amd	15.504(d), (h)(7)
	Added	15.505
	Amd	15.507,
		15.508(a)—(c),
		15.509(j)(1)(i)—(iii),
		15.602(a), (h),
		15.604(d)(2)(i)—(iii),
		15.605, 15.607,
		15.608,16.801(c)(8)
	152 Added	12.500(e)
	153 Rnbd	17.100A,17.100B
		as 17.100,17.101
	Rnbd	17.108(a), (j)
		as 17.102(a), (b)
	Rnbd	17.108(b)—(i)

			as 17.103(a)—(h)
		Added	17.104—17.108
1992	5	Amd	10.200
	6	Amd	1.302(c),
			(f), (l)(6165)
		Added	6.201(c)
		Rpld	6.202(e)
		Amd	6.401(d)(8),
			12.202.ii, iii,
			ix(j), 12.205,
			12.206, 12.901(c)
	7	Added	16.1100—16.1110
	8	Added	20.1100—20.1106
	9	Amd	13.703(c)
		Added	13.704(g)
	10	Added	9.103, 18.100A, 18.212, 18.600A
		Amd	21.1200
		Rnbd	22.420 as 22.401
		Added	22.402
		Rnbd	22.414, 22.415

		as 22.403, 22.404
	Added	22.405
	11 Amd	16.102(b)(1),
		16.108(3),
		(22), (34)(a), (39)(a)
	Rpld	16.108(54)
	Added	16.108(54)
	Amd	16.111(2)
	Added	16.113(intro ¶)
	Rpld	16.113(b)(5)
	Rnbd	16.113(b)(6)as (5)
	Added	16.113(b)(6)
	Amd	16.116(a)(1)(ii)b, (2)(iii)b
	Rpld	16.118
	Added	16.118
	Rpld	16.119
		(intro ¶), (a)
	Added	16.119(intro ¶),
		(a), (b)(1)m, n,
		(2)(o), (p)

	Rpld	16.120I
		(intro ¶), (a)
	Added	16.120(intro ¶),
		(a), (b)(4)
	Rpld	16.121
		(intro ¶), (a)
	Added	16.121(intro ¶),
		(a), (c)(7), (e)
	Amd	16.121(b),
		(c), 16.125,
		16.129(3), (4), (7),
		16.136,
		16.137(a)(1),
		(2), (b), (c),
		16.139(1)
	Added	16.144(3)(l),
		16.148(3)
	Amd	16.149
13	Added	4.310
	Rnbd	4.310 as 4.311

	15	Amd	16.510
	21	Added	13.1200—13.1213
	22	Amd	17.109(a)—(d)
	29	Amd	3.101(48)
	30	Amd	4.300(d)—(f),
			4.301(a), (b), 4.302(d)
		Rpld	4.303
	31	Added	1.102(o)
			(8221/8222)
		Amd	1.206
		Added	1.210(7317)
		Amd	1.210(7520),
			(7530)—(7539),
			(7554), (7766),
			(8821/8822),
			(9721)—(9723),
			(9725), (9954),
			(9956), 1.211
		Added	1.301(7317)
		Amd	1.302(l)(5246),

		1.303(6115),
		(8425)—(8429),
		1.304(7921)
	32 Amd	17.300(f)(i)(3),
		(k), (l), (q)
	Added	17.300(s)
	Rnbd	17.300(s) as (t)
	Amd	17.301(a)
		(6)—(8), (b)(1),
		(2), (5), (c)(4),
		17.303(f)(3),
		(g), (i), (k),
		17.304(b)(3)(ii)a, (iv),
		(c)(1)(i)a, (4),
		17.305(b)(3)(iv),
		17.306(e)(2), (6), (h)(1)
		(i)(1), (j), (k)(3),
		17.307(b)(1)(vi), (e)(1),
		(g)(3), (4),
		17.308(c)(2)(i), (v),

		(d)(4)(ii)c, d,
		(f)(1), (2)(iii),
		17.309
	33 Amd	4.104(a)
	Added	4.500—4.504,
		13.400(d)(4)(vii)
	Rnbd	13.400(d)(4)(vii) as (viii)
	34 Amd	12.606
	37 Added	16.1200—
		16.1216
	38 Amd	16.102(b)(1),
		16.112(2)
	Added	16.113(a)(11)
	Rnbd	16.113(a)
		(11)—(16)
		as (12)—(17)
	Amd	16.113(c)(9), (10),
		(d), 16.116(title),
		(b), (c)(2), (3), (6),
		(d), (f)(4)

	Added	16.119(b)(1)j
	Rnbd	16.119(b)(1)j—n
		as k—v
	Added	16.119(b)(2)m
	Rnbd	16.119(b)(2)m—p
		as n—q
	Added	16.120(b)(1)v
	Rnbd	16.120(b)(1)v,
		w as w, x
	Added	16.120(b)(2)v
	Rnbd	16.120(b)(2)u
		as v
	Amd	16.121(b)(2)g,
		(c)(3), (d),
		16.131(1), (4),
		16.127(a)(3),
		16.114(2)(b)(iv),
		(3)(g)
	Added	16.145(8),
		16.148(4)

		Amd	16.149
	42	Added	14.402(v)
		Rnbd	14.402(v)—(w)
			as (v)—(x)
		Amd	14.414(d),
			14.426
	45	Amd	1.116(c)(1)
		Added	1.116(i)
		Amd	1.118(2)(i)b, c,
			1.119(4)(b), (c),
			1.300(Sub. G),
			1.301(5363),
			(5365), (7762),
			(8645), (8646),
			(9582), (notes)
	46	Rpld	19.200, 19.201,
			19.800, 19.801
		Added	19.200—19.211
	49	Added	2.202(d)
		Rnbd	2.202(d),

		(e) as (e), (f)
	Added	2.202(g)
	Amd	2.203(f), 2.204(h)
	Added	2.204(i),
		2.207(d),
		2.208(e)
	Amd	2.210(b)
	50(Res.) Amd	App. A,
		§ 5.200(b)(3)
	51 Amd	3.101(7)
	53 Added	20.450—20.457
	60 Amd	20.1101,
		20.1104(b)(1)
	61 Amd	1.101B(6)
	67 Amd	20.452(c)
	68 Amd	12.200.II,
		12.207.I(a)
	Added	12.207.I(j)
	Amd	12.207.II(c), (d)
	Added	12.207.IV(i)

	69	Amd	3.300—3.309
	70	Amd	18.202
	71	Amd	18.122B(C)(3), (4)
	72	Amd	2.210(b)
	74	Amd	1.117(g)(6)
	75	Amd	1.101B(b)(4)
	82	Amd	1.119(4)(a), (5)(a)
	83	Amd	1.116(d)
	84	Added	1.116(g)
	85	Added	1.116(k)
	95	Amd	1.101B(b)(1), 1.300(Sch. P)
	99	Added	16.102(f)
	100	Added	13.1300— 13.1309
	101	Amd	12.207.l(j), IV(i)
	102	Added	3.101(9a)
	103	Added	3.215(h)(5)

	104	Amd	18.204
	106	Amd	12.1000(b), (d)
	117	Added	20.115
	118	Added	20.103A
	120	Amd	1.119, 1.300(FM)
	121	Rpld	16.100—16.150
		Added	16.100—16-157
	122	Added	19.208(k)
		Amd	19.209(b)
	124	Amd	20.113
	129	Amd	20.310(6)
	130	Added	3.101(14.5), (70.5)
		Amd	3.407(a)(4)
1993	3	Amd	16.510
	7	Amd	1.302(a), (c)
		Rpld	1.302(i),
			(1)(5284), 6.212,
			6.319, 6.327
		Amd	6.401(d)(8)
		Added	6.406

	Rpld	13.400—13.405
	Rnbd	13.1300—
		13.1309 as
		26.200—26.209
	Added	16.801(c)(11)
	Rnbd	16.801(c)(11) as (12)
	Amd	22.205(a)(3),
		22.600(b), 23.102(a)
	8 Amd	1.302(e), (g)
	Rnbd	6.208
		as 6.208(a)
	Rnbd	6.209(b)
		as 6.208(b)
	Amd	17.200A(d),
		17.306(j),
		187.307(h)(1), (3),
		17.308(a)(1),
		(d)(2), (e)(2)(i), (v)
	Rpld	18.1001(c)(12)
	9 Rnbd	6.201(d)

		as 6.211(b)
	Rnbd	6.211
		as 6.211(a)
	Amd	6.211(b),
		6.401(d)(6)
	Rpld	6.403
	Added	25.101(c)(5)
	Rnbd	25.101(c)(5) as (6)
	Added	25.101(d)
	10 Rpld	15.501—15.510,
		15.601—15.608
	Added	15.500—15.521
	11 Rpld	17.102
	Added	17.102
	Amd	17.103
	12 Amd	1.402
	13 Added	6.336,
		116.102(h)
	Amd	16.103(c),
		116.118(b)(6),

		16.145(c)(12),
		16.146(c)(8),
		16.147(c)(18),
		16.157(b)(17)
	Added	16.1300—
		16.1309
	14 Amd	12.202.III(d),
		12.701(c)
	17 Rpld	1.102(o)
		(5161/5162)
	Added	1.210(5155)
	Rpld	1.210
		(5161/5162)
	Added	1.210
		(5161/5162),
		(6101)
	Rnbd	1.210(6101),
		(6102) as (6102),
		(6103)
	Added	1.210(6105)

	Amd	1.210
		(7121/7122), (7123)
	Added	1.210(7124),
		(7210), (7325)
	Amd	1.210(7531)
	Added	1.210(7539)
	Rnbd	1.210(7539) as
		(7551)
	Added	1.210(7741)
	Amd	1.210(7767),
		(7768), (9622),
		(9721)—(9723),
		(9725), (9917),
		(9927), (9985),
		1.211, 1.301
18	Added	1.210(0202)
	Amd	1.210(5367),
		(8265), 1.211,
		1.301, 1.302(g), (1)
	21(Res.) Added	App. A,

		§ 5.213(d)
	23 Amd	13.900(f)
	26 Added	5.100—5.104
	27 Amd	1.116(c)(2)
	29 Amd	1.116(c)
	30 Amd	1.116(j)
	31 Added	1.116(g)(2)
	Amd	1.118(2)(i)b, c,
		(4)(b), (c),
		1.300(FM)
	33 Amd	21.1000
	41 Amd	12.111(b), (d)
	42 Amd	3.200—3.217
	43 Added	2.203(h),
		22.204A
	44 Added	12.806
	45 Added	Title 21, Sub.
		9(note)
	Amd	21.925
	47 Amd	5.300

	51	Amd	1.401
	52	Amd	1.116(d)(5)
	54	Amd	App. B,
			§ 2.101
		Added	App. B, §§
			2.125—2.129
	55	Amd	13.501(b), (c)
		Added	13.501(e)
		Rnbd	13.501(e)—(h) as
			(f)—(i)
		Amd	13.501(g)
			13.1005(a), (b)
		Amd	13.1007(title)
		Added	13.1007(b)
		Rnbd	13.1007(b)—(d)
			as (c)—(e)
	56	Rpld	12.600—12.612
		Added	12.600—12.613
	60	Added	22.700—22.704
	64	Amd	12.202.III(d), VII(a)

	72	Amd	2.203(a), (b),
			2.204(d), 16.301,
			16.801(c)(5)
		Added	16.801(c)(6)
		Rnbd	16.801(c)(6)—(12)
			as (7)—(13)
	73	Amd	12.1000(b)—(d)
	74	Amd	1.300
	75	Rpld	4.401—4.406
		Rpld	11.200—11.202
	77	Amd	4.102(k), (m),
			4.103(k), (p),
			4.105(a),
			4.106(a), (d),
			4.108(a), 11.300
	78	Added	4.104(f),
			4.102(j), (k)
		Rnbd	4.102(j)—(n)
			as (l)—(p)
		Added	4.102(q)

	Rnbd	4.102(o) as (r)
	Added	4.102(s), (t)
	Rnbd	(p)—(ac)
		as (q)—(ah)
	Added	4.102(ai)
	Amd	4.103(d), (f), (l)
	Added	4.112
	Rnbd	4.112 as 4.113
	Added	4.600—4.604,
		6.337
	Amd	22.205(a)(3)(viii)
79	Amd	14.414
80	Amd	16.131(c)(3)(ii),
		16.145(c)(3),
		16.146(c)(8), (9), (19),
		16.147(c)(8), (19),
		(d)(13), (e)
	Added	18.1200—
		18.1206,
		20.1200—20.1204

	81	Amd	16.600—16.613
	83	Added	16.203(b)—(d)
		Amd	16.204(b)—(e),
			16.900(e), (i)
	85	Amd	5.200
	86	Amd	6.100
	87	Amd	1.117(d), (f)
			(g)(6), (h)(2)(vi)
			(j)(3)
	88	Amd	14.407(b)
1994	6	Amd	16.1107(b)(1)
	7	Added	14.800—14.816
	10	Amd	17.200A(d)(3)
		Added	17.300(i), (j)
		Rnbd	17.300(i)—(t)
			as (k)—(v)
		Amd	17.301(a)(4), (b),
			(c)(1), 17.308(a),
			(c)(2), (6), (d)(4)(ii)
	11	Amd	6.200(d)(1)

	Rpld	6.201(d),
		6.211(b),
		18.1001(c)(7)
	Amd	25.101(c)
12	Amd	17.603(b)
13	Amd	20.111(c),
		(d), (e)(2)
25	Amd	3.100, 3.101
26	Amd	4.202(b)
	Added	4.203
	Rnbd	4.203
		as 4.204
27	Amd	20.1107
29	Rpld	12.606(c)
	Rnbd	12.606(d)—(f)
		as (c)—(e)
30	Amd	13.900—13.910
31	Amd	13.1200(b)
32	Amd	17.408
33	Amd	1.116(c)(1)—(3),

		(5)
	36 Amd	3.101(6)
	37 Amd	4.106(b)(3)
	38 Amd	4.102(f),
		4.103(u), (v),
		4.105, 4.106,
		4.108, 4.109
	Added	4.108A
	39 Amd	4.100—4.122
	40 Amd	1.210, 1.211,
		1.301
	41 Amd	1.302(f), (l),
		1.304
	42 Amd	1.300
	43 Amd	1.101B
	50 Amd	1.106(a), (c)
	51 Added	16.1401—
		16.1404
	Amd	16.108(49),
		16.119(c), (d),

		(e)(7)
	Added	16.125
	Amd	16.132(a)(1)(i),
		(ii), (a)(4)—(6),
		16.134(d)(1)—(3),
		16.135(a), (b),
		16.145(c)(3), (7),
		16.157(b)(8), (c)(14),
		16.1201(q),
		16.1205(f),
		16.1208(a)(6),
		18.210, 18.211
	52 Added	15.517A
	53 Amd	12.214(b)(3), (4)
	54 Amd	20.1102(k)
	75 Amd	17.300(d),
		17.303(a), (b),
		17.308(d)(4)(iii)
	79 Amd	1.106(c)(2)v.a.
	80 Amd	18.122A

	140(Res.)	Amd	App. A, §§
			2.200—2.214
		Rnbd	App. A, §§
			2.200—2.214 as
			Rules 1.001—1.015
		Amd	App. A,
			Apps. A—D
	146(Res.)	Amd	App. A, §
			5.200(b)(1)(ii), (v)
		Added	App. A, §
			5.200(b)(1)(iv)
	107		16.200—16.207
		Added	16.208
		Rnbd	16.208—16.210
		as	16.209—16.211
		Added	16.212
			16.108(b)(25), (27)
			16.301
			16.602(a),
			16.604(b)(3)(iii)

			16.606(c)
			16.801(c)(3)—(5)
			16.900(j)
		Rpld	22.206(e)
1995	4	Added	20.116
	12	Added	17.103(j)
	14	Added	13.800(d), (h)
			13.800(f)
			13.807(b)
	16		16.119(c)—(f),
			(g)(2)
			16.132(a)(5)
			16.133(a)
			16.135
			16.137
			16.139(a)(1)
			16.146(c)(18)
			16.147(d)(10)
			16.1101
			16.1105(d)(5)

		16.1109
		16.1110(5)
		18.210(a)
		18.700
		18.901(j)
		18.902
	17	3.502(b)(3)
		8.401(d)(1)
		14.107(IV)–(VI)
	20	16.1102(b)
	21 Rpld	1.400
	Added	1.400–1.485
	Rnbd	1.401
	as	1.485
	Rpld	1.485(f)
		4.107(d)
	Added	6.338
	Added	22.205(a)(3)(xiii)
	Rnbd	1.402
	as	17.103(k)

	22	1.116(c)(1)
	30	1.106A
	31	1.103
		1.116(a)(1)–(3)
	32	1.210
		1.211
		1.301
	33	1.302(f), (j)
		1.302(l)
		1.304
	34	1.116(i)
	35	17.502
	36	17.301(a)(6)
		17.302(b)(3)
		17.306(e)(6), (i)(1), (2)
		(k)(4)(v)
		17.307(f), (g)(1),
		(6), (h)(5)
	39	16.1100–16.1110
	41	1.300

	42	18.902
	53	Added
		App. C, [III.],
		§ 10.1(c)
		App. C, [IV],
		§ 3.7, Art. 6
		Added
		App. C, [II.],
		§ 13.2
		Added
		App. C, [I.],
		§§ 1.3, 3.9
		App. C, [I.], § 8.6
		1.101B
	54	1.300
		1.300(note)
	64	1.106(c)(2)(i)a., b.
	65	23.100(d),
		23.101, 23.102
		Rnbd
		23.302
		as
		23.103
		23.200—23.202
		23.300—23.311

		23.400—23.410
		23.500—23.509
	71	1.116(k)
	Added	1.116(m)
	72	3.213(b)
	73	20.452(f)
	74 Added	12.208 l.(b)
	Rltd	12.208 l.(b)—(e)
	as	12.208 l.(c)—(f)
	75	13.101(d)
	76 Rpld	12.300
	77 Rpld	16.1000—
		16.1012
	78	4.101
	80	14.402(q)
	81	14.413
	82	14.419(a)(2)
	83 Rnbd	1.485
	as	1.401A
	Added	1.402A—

		1.410A,
		1.413A—
		1.419A,
		1.423A—
		1.436A,
		1.439A—
		1.444A,
		1.448A—
		1.461A,
		1.465A—
		1.473A,
		1.477A, 1.478A
		1.482
	86	20.116
	87 Added	16.606(e), (f),
		20.117, 20.118
	93 Rpld	21.710, 21.714
	Added	21.406, 21.407
		21.500, 21.501
		21.911, 21.919

	94		8.800, 8.801
		Dltd	8.802, 8.803
		Added	8.802
		Rnbd	8.804
		as	8.803
			19.209(1)
	95	Added	12.1100—
			12.1108
		Added	22.205(a)(3)(xiv)
			23.102(a)(1)(i)
	100	Added	1.406(u)
		Rltd	1.406(u)—(av)
		as	1.406(v)—(aw)
			1.406(a)(4)(ii),
			(u)(1), (2),
			(v)(1), (4),
			(aa), (am)(1),
			(3)(i)
			1.407(a), 1.409
			1.414(a)(3), (b)(1)

		1.416,
		1.417(c)(1)(i)
		1.418(b)(2)(i)
		1.423, 1.425
		1.426(a)(1),
		(e), (g)
		1.427(a)
		1.431(e)(2)(i),
		(4)(i), (5)(ii),
		(iii)
		1.433(a),
		(c)(2)(ii), (f)
		1.434, 1.449
		1.451
		1.454(a)(11),
		(16), (b)
		1.455(f), 1.465(a)
		1.469(c)(5)
		1.477, 1.478(c)
1996	4	16.1201(e),

		16.1201(n),
		16.1202(a), (b),
		16.1203,
		16.1204(d),
		16.1205,
		16.1208(a),
		16.1209
	Added	16.1201(i),
		16.1216
	Rltd	16.1201(l)—(s)
	as	16.1201(j)—(t)
	Rnbd	16.1216
	as	16.1217
	5 Added	20.1002
	6	1.400
	7	1.435(a)
	Added	1.437
	13(Res.)	App. A,
		Rule 1.001(b)(3)(i)
	14	1.106(j)(1)—(5)

		1.109(a), (d), (e)
		1.116(e)
	15	12.106, 12.109,
		12.110, 12.112
	16 Rpld	6.201(f)
	Added	6.212
	Rpld	6.401(d)(6), 6.402
		25.101
	Added	27.100, 27.101
	17	25.101
	Added	6.401(d)(7)
		23.201
	20	16.102, 16.103(j), (k),
		16.104, 16.106,
		16.108(b)(8), (30),
		(32), (49), (60),
		16.115, 16.116,
		16.118, 16.119(f), (g),
		16.120, 16.121,
		16.124,

		16.131(d),
		16.132(a),
		16.136,
		16.145,
		16.146(c),
		16.157
	23 Added	20.1300—
		20.1303
	26	17.204
	27	1.116(c)
	28 Rpld	6.211
	Rpld	25.100, 25.101
	Added	6.201(d)
	Added	6.403
		18.1001
	34	21.107
		21.913
	35	1.210
		1.211
		1.301,

		1.302(a), (c), (l)
	Added	1.302(i)
		1.303
	38	20.1106
	46 Added	16.503(f)
	Rpld	15.511
	Added	15.511
		20.1300, 20.1301
	46(Res.)	App. A,
		Rule 1.016
	47 Added	20.1304
	54	16.200, 16.201,
		16.205, 16.206,
		16.207(a)
	55 Added	26.302, 26.303
	56 Added	20.119
	57	1.116(c), (j)
	58	1.101B
	62 Added	18.610
	69 Added	9.104—9.107

	72	Added	18.1300—18.1307
	79	Added	20.120
	80	Added	20.121
	81		1.116(d)(5)
		Added	1.116(h)
	84		1.101B
	85		12.216
	89		3.201(h)(1)—(7),
			3.202(g), 3.204,
			3.205, 3.206,
			3.209(c), 3.214
	90		18.112
	91		1.119(5)(e)
	92		14.411(b)
	93	Added	13.400—13.410
	96	Added	12.300—12.308
1997	4	Added	18.1400—18.1407
	5		1.101B(b)(1)
	9	Rpld	21.101—21.167,
			21.202—21.207,

		21.209, 21.300,
		21.405, 21.500,
		21.502, 21.505,
		21.600—21.602,
		21.702, 21.901,
		21.915, 21.918,
		21.920, 21.923,
		21.925, 21.1002,
		21.1006
	Added	21.101—21.103,
		21.106, 21.202,
		21.205, 21.211,
		21.212, 21.307,
		21.310
	Rnbd	21.208
	as	21.104
	Rnbd	21.503
	as	21.105
	Rnbd	21.501
	as	21.200

	Rnbd	21.800
	as	21.201
	Rnbd	21.1003
	as	21.203
	Rnbd	21.1007
	as	21.204
	Rnbd	21.406
	as	21.206
	Rnbd	21.407
	as	21.207
	Rnbd	21.711—21.713
	as	21.208—21.210
	Rnbd	21.715
	as	21.213
	Rnbd	21.900
	as	21.200
	Rnbd	21.902—21.914
	as	21.221—21.233
	Rnbd	21.916, 21.917
	as	21.234, 21.235

	Rnbd	21.919
	as	21.236
	Rnbd	21.922
	as	21.237
	Rnbd	21.924
	as	21.238
	Rnbd	21.1100, 21.1101
	as	21.250, 21.251
	Rnbd	21.700
	as	21.300
	Rnbd	21.504
	as	21.301
	Rnbd	21.400, 21.401
	as	21.302, 21.303
	Rnbd	21.701
	as	21.304
	Rnbd	21.402
	as	21.305
	Rnbd	21.403, 21.404
	as	21.305(c), 21.305(d)

	Rnbd	21.921
	as	21.306
	Rnbd	21.703, 21.704
	as	21.308, 21.309
	Rnbd	21.705—21.709
	as	21.311—21.315
	Rnbd	21.1300—21.1304
	as	21.400—21.404
	Rnbd	21.1200—21.1203
	as	21.500—21.503
10		1.101B(b)(2)
11		1.210
		1.211
		1.301, 1.302
12		1.300
16		17.300(a), (h), (l)
		17.301
28	Rpld	18.101, 18.101A
	Added	18.101
30	Rpld	3.100, 3.101

	Added	3.100, 3.101
	31 Rpld	13.100—13.132
	Added	3.700, 3.701
	Added	14.900—14.905
	32 Rpld	21.1000,21.1001,
		21.1004, 21.1005
	38	5.100—5.104
	49 Rpld	8.900
	Added	8.900
	50	12.1100(j)
		12.1105
		12.1106
	52 Rpld	1.100—1.123,
		1.200—1.212,
		1.300—1.305
	Added	1.100—1.123
		1.200—1.203
		1.300—1.309
	Added	1.500—1.502
		6.201(g)

	53	1.406(j), (l)
	Added	1.420A
	54	1.406
	Added	1.420
		1.431
	58	18.903
	59	1.406(n)—(aab)
	Added	1.410
		1.418, 1.426,
		1.428, 1.431
	60	1.406A(e)—(al)
		1.428A, 1.429A,
		1.431A
	66 Rpld	18.114, 18.115,
		18.120,
		18.205—18.208
	Added	18.205, 18.206
		18.121
	67	14.801, 14.802,
		14.804,

		14.808—14.810,
		14.812—14.815
	70	2.201(b), (c),
		2.202(a), (d), (e), (g),
		2.203(a)—(c), (e), (f),
		2.204(a)—(f), (h), (j),
		2.206, 2.207(a), (c), (d), (e),
		2.208(d), (e),
		2.209(d),
		2.210(a), (b),
		2.211(a), (c), (e),
		2.212
	75	1.410, 1.428(c)
	149(Res. No.) Added	App. A, Rule 1.017
	77	5.200
	78	6.100
	79 Added	1.406A(ag)
	Rnbd	1.406A(ag)—(al)
	as	1.406A(ah)—(am)
		1.428A, 1.429A,

			1.431A
	80	Rpld	20.105
			20.104
	81		17.104(a),
			(b)(33), (36)
			17.108, 17.109
		Rnbd	3.101(29)—(82)
		as	3.101(30)—(83)
		Added	3.101(29)
1998	5	Rpld	9.104—9.106
	6	Rpld	20.900—20.911
		Added	20.900—20.907
		Rpld	20.311(4)
		Rnbd	20.311(5)
		as	20.311(4)
		Rpld	20.317
			12.105(f)
			18.104A(B), (G)
	9		13.906
	10		20.119

	15	16.102(d)(1), (e),
		16.119(a)(8), 16.130,
		16.132(a)(1)(i),
		16.134(a), (b),
		16.147(c)
		(8)(i)—(iii),
		(e), 16.156(i),
		(j), 16.157(c)
	21	12.207 IV.(i)
	23	17.102
	28	4.109(c),
		4.117(a),
		11.300
	38 Rpld	11.100, 11.300
	Added	11.100, 11.101,
		11.200—11.203
	Rpld	20.100—20.103,
		20.106, 20.107,
		20.113, 20.120,
		20.121, 20.200,

		20.500—20.503,
		20.600, 20.800,
		20.1000—20.1002
	Added	20.100—20.103,
		20.110, 20.111,
		20.120, 20.130
	Rnbd	20.117
	as	20.112
	Rnbd	20.118
	as	20.113
	Rnbd	20.109
	as	20.114
	Rnbd	20.111
	as	20.115
	Rnbd	20.115
	as	20.116
	Rnbd	20.108
	as	20.121
	Rnbd	20.112
	as	20.122

	Rnbd	20.119
	as	20.123
	Rnbd	20.104
	as	20.140
	Rnbd	20.114
	as	20.141
	Added	20.200—20.207
	Rnbd	20.103a
	as	20.204
	Rnbd	20.116
	as	20.205
	Rnbd	20.110
	as	20.206
	Rnbd	20.400—20.405
	as	20.300—20.305
	Rnbd	20.450—20.457
	as	20.400—20.407
	Rnbd	20.1100—20.1107
	as	20.500—20.507
	Rnbd	20.300—20.311

	as	20.600—20.611
	Rnbd	20.313—20.316
	as	20.612—20.615
	Rnbd	20.318
	as	20.617
	Rpld	20.319
	Rnbd	20.900—20.904
	as	20.700—20.704
	Rnbd	20.905
	as	20.705
	Amd	20.906(a), (b)
	as	20.705(c), (d)
	Dltd	20.906(c)
	Rnbd	20.907
	as	20.706
	Rnbd	20.1200—20.1205
	as	20.800—20.805
	Rnbd	20.1300—20.1304
	as	20.900—20.904
	Rnbd	20.700

		as	20.1000
	40		1.301
	41		22.205(a)
1999	7	Added	15.507A
	12		14.105—14.107
	13		16.120(b)(4)
			16.1204(d)(8),
			16.1205
			16.1210, 16.1211
	15		2.121
	16	Rpld	11.202
		Added	11.202
	17		19.601
	18		17.102(e), 17.103(d)
	25		1.302(b),
			1.306(b)
	26(Res.)	Rpld	App. A, Rule 1.016
	26	Rltd	1.406(ay)—
			(aab)
		as	1.406(az)—(aac)

	Rltd	1.406(aw)
	as	1.406(ay)
		1.406, 1.408(b)
		1.417, 1.418
		1.426(a), 1.428
		1.435, 1.439
	30 Rpld	14.412(h)
	38	18.1303, 18.1307
	49	1.406A(k)
	50	17.300(g)
	52	13.814(a), (b)
		13.909(a), (b)
		13.1212(a), (b)
	54 Added	20.117
	55 Added	20.124
	57	13.900(h)
	58	3.202
		3.214
		3.215(h),(i)
	133(Res.)	1.001(b)(3), (f)

			1.002(a)
2000	5	Rpld	16.1110(h)
		Rnbd	16.1110(i—ag)
		as	16.1110(h—af)
			16.1100(b)(3)(iii)
			16.1104(e)
			16.1110(m, t)
	9		16.300
	10	Added	20.118
	11		12.106(b)
	12	Added	17.701—17.720
	13		20.605
	14		12.401
	19		6.401(d)(6)
	20	Rnbd	2.201(c—f)
		as	2.201(d—g)
			2.201, 2.203—2.205, 2.208, 2.210, 2.212
	21		1.431A
	22	Rpld	20.101, 20.103
			20.140

	26	1.306
	32	17.103(k)
	33	12.901
	37 Added	16.1000
	39	17.713(a)
	40	21.203, 21.205
	42	1.406, 1.417, 1.418
	47 Rpld	3.100, 3.101
	Added	3.100—3.104
		3.510
	50	16.1100, 16.1102—16.1105, 16.1107, 16.1110
	51 Added	12.1200—12.1203
	54	1.406(ag), 1.428
	55	1.455, 1.458, 1.482
	56	18.500
	57 Rpld	18.900—18.909
	Added	18.900—18.909
	59 Rpld	3.300—3.309 12.109

	Added	3.300—3.309
	60	18.106
2001	5	11.101
	6 Rpld	3.400—3.409
	Added	3.400—3.407 18.300—18.305
	10 Rpld	1.406A(ac)
	Rnbd	1.406A(ad)—(am)
	as	1.406A(ac)—(al)
	Rpld	1.415A
	Added	1.406A(am), (an),
		(o), (aa)
		1.408A(b)(d)
		1.413A
		1.414A(a), (f)
		1.416A—1.418A
		1.419A(a)—(c), (e)(1)
		1.426A(a)(1), (b)
		1.427A(b)(4), (6)
		1.428A—1.430A
		1.431A(a)

		1.432A(a), (d)
		1.433A(e)(2), (d)
		1.439A(a)(1)
	14 Added	12.1300—12.1302
	15	1.406A(o), (aa)(2)
		1.428A(b)(3)
		1.429A(e)
		1.432A(a)(2)
	16 Rnbd	3.101(24)—3.101(28)
	as	3.101(25)—3.101(29)
	Rnbd	3.102(8)—(14)
	as	3.102(9)—3.102(15)
	Rnbd	3.102(15)
	as	3.102(17)
	Rnbd	3.102(16)
	as	3.102(19)
	Rnbd	3.102(17)
	as	3.102(20)
	Rnbd	3.102(18)
	as	3.102(22)

	Rnbd	3.102(19)
	as	3.102(23)
		3.101(7), (54), (55)
	Added	3.102(8), (16), (18), (21)
	17	17.102
	25	1.306(b)(7)
	29	3.501(a)
		16.155(a)(3)
		16.801(c)(5)
		18.122B(C)(7)(c)
	35	1.406(ag), 1.428
	36	13.1012
	37 Added	13.1300—13.1309
	38	13.400—13.410
	40	5.102—5.104
	41	3.502(c)
	43	17.504, 17.600, 17.601, 17.603, 17.604, 17.608, 17.611
	49	16.301
	Rnbd	16.302, 16.303

	as	16.307, 16.308
	Added	16.302—16.306
		16.801(c)(5)
	52 Rpld	16.102(b),
		16.108(b)(11), (b)(16), (b)(18), (b)(19), (b)(26),
		16.133(f),
		16.145(b)(3),
		16.156(d)
	Rnbd	16.108(b)5
	as	16.108(b)32.1
		16.101(a)
		16.102
		16.103(c), (h), (j)
		16.104
		16.106(a), (b)
		16.108(b)(5), (b)(8), (b)(18A), (b)(24), (b)(29), (b)(32.1), (b)(55), (b)(58), (b)(63)
		16.115—16-118
		16.119(a)(8), (a)(10), (a)(13), (a)(14), (b)(4), (f), (g)(3)
		16.120(a), (b)(1)—(b)(6), (b)(12), (c)
		16.121

		16.123(a)(1), (a)(2), (c)(3)
		16.124(a)(3)(iii), (a)(4), (b), (c), (e), (f), (g)
		16.125(a), (b)(1), (b)(2)
		16.130(b)
		16.132(a)
		16.134
		16.139(a)
		16.144(n), (o), (q)
		16.145(a), (b)(1), (b)(2), (b)(4), (b)(5), (b)(7), (c)(2), (c)(3), (c)(16), (c)(19)
		16.146(b)(3)(i), (c)(8), (c)(9), (c)(19)
		16.147(b), (c)(17)
		16.155(a)
		16.156(a), (b), (c)(1)—(c)(5), (d), (e), (g), (m)
		16.157(b)(10), (b)(11), (b)(19)
	Added	16.108(b)(1.1), (b)(8.1), (b)(31.1), (b)(42.1), (b)(42.2), (b)(45.1)
	Added	16.126, 16.127
	Added	16.145(b)(2), (c)(20)
	Added	16.147(c)(32), (d)(14)
	Added	16.156(a)
	Added	16.157(c)(15)

	56	1.431
		1.452
	59 Rpld	6.201(e)
	Rnbd	6.201(f)—(i)
	as	6.201(e)—(h)
	Added	6.211
		6.325
		Title 13 (renamed)
	Rpld	13.500—13.502
	Added	13.100—13.102
	Rnbd	13.200—13.214
	as	13.1100— 13.1114
	Added	13.200—13.202
	Rpld	13.300—13.303, 13.400—13.410
	Added	13.300—13.303, 13.400—13.410
	Rpld	13.1100—13.1112
	Added	13.500—13.512
	Rnbd	13.600—13.603
	as	13.1200— 13.1203

	Rpld	13.1200— 13.1213
	Added	13.600—13.613
	Rpld	13.700—13.708, 13.800—13.815, 13.900—13.910
	Added	13.700—13.708, 13.800—13.815, 13.900—13.910
	Rnbd	13.1300— 13.1309
	as	13.1000— 13.1009
	Rnbd	13.1001— 13.1022
	as	13.1301— 13.1322
	60	6.403(d)
		17.200A(d)
		27.101(c)
	61 Added	1.310
2002	4 Rpld	5.300
	Added	5.300—5.302
	5	5.200
	6	6.100
	9	1.306(b)(1), (3), (7), (13)
	12 Rnbd	12.304(a)(4)—(a)(19)

	as	12.304(a)(5)—(a)(20)
		1.306(b)(6)
		12.300(c)(1)
		12.301(c)
		12.305
		12.307
	Dltd	12.308
		12.304(a)(4), (a)(21)—(a)(25)
	15	20.124(a)
	20 Rpld	1.406(aq)
		1.406(l), 1.433
	21 Rpld	1.406A(ai)
		1.406A(k),
		1.414A(a), (b),
		1.428A(b)(3)(i), 1.433A, 1.452A
	30	1.406(b), (c), (s),
		1.435(b),
		1.439(d)
	31	1.406A(f)
	32	12.105(a), (f), 18.101(a), 20.701

	Added	20.616
	38	3.214(a), (b)
	46	17.300, 17.301(b)(1)—(b)(3), 17.302(a), (b), (c)(2), (e), 17.308(f)(1)
	50	16.121(a)(4)
	51	16.1107(b)
	52 Added	16.204(f)—(h)
	Rnbd	16.204(f), (g)
	as	16.204(i), (j)
		16.205
	54 Added	20.119
	58 Added	13.402(e)
2003	3	1.302(b)
		1.306(b)(13)
	6 Rnbd	4.116—4.122
	as	4.117—4.123
	Added	4.102(e), 4.106A, 4.116
		4.102(h), (l), (n), (q), (v), (ad),
		4.103, 4.104, 4.106—4.109, 4.115, 4.117, 4.118(a), (b)(2), (b)(8), (h),

		4.119(b), (c)(1),
		4.120(d)(3),
		4.121(d)
		4.122(b), (c)(2)
	Rnbd	4.102(e)—(af)
	as	4.102(f)—(ag)
	7 Added	20.119A
	9	1.306(b)(3),
		12.1000(e)
	10 Added	12.1400—12.1404
	11	1.306(b)(6)
	Added	12.1500
	13	13.402
	14	17.104(b)(47)
	17	16.203(c), 16.900(e), 16.1110(l),
		20.602(5), 20.615(1)(a)(iii),
		21.230,
		22.205(a)(2)
	18	16.1105(c)(3)
	21	13.400, 13.402(a),

		13.403(a),
	Added	13.401(l)
	31 Added	17.110
	32	4.106A
	34	16.1102,
		16.1110(j)
	Rnbd	16.1110(j)—(af)
	as	16.1110(k)—(ag)
	35	4.501
	Added	4.505—4.507
	45	16.102(c), (d)
		16.105, 16-108,
		16.115(c),
		16.116(a), (c)
		16.118(b)(6)
		16.119(a)(8),
		16.119(f)(3),
		16.120(b), (c)
		16.121,
		16.127(b), (c),

		16.130(b),
		16.145(b),
		16.147(b), (c),
		16.155(a),
		16.156(a), (d),
		16.157(a)
		16.1104(a)(2),
		16.1107(b)
	51	4.201(d)—(f)
	52	20.119A
	53 Added	13.1312(g-2)
	60	13.101(d)(6)
	62	24.110 l(a)
	63	15.506(a)(2), 15.514(c)(2)
	66 Added	13.401(m), 13.402(f)—(h), 13.409
	71	16.600—16.608
	Rpld	16.609
	Rnbd	16.610—16.612
	as	16.609—16.610
	Amd	16.609, 16.610,

		20.112, 20.113
	72	16.200(a)
2004	4	18.207
	6 Rnbd	1.431(e)(3)—(9)
	as	1.431(e)(4)—
		1.431(e)(10)
	Amd	1.406(af),
		1.408(d)
	Added	1.421
	Amd	1.427(b), (c),
		1.433(b),
		1.443(a)(i)(1)
	7 Rnbd	1.406A(aa)—
		1.406A(ah)
	as	1.406A(ab)—
		1.406(ao)
	Amd	1.408A(d)(2),
		1.414A
		1.416A,
		1.419A(e)

	Added	1.421A
	Amd	1.426A(a),
		1.431A(e)(6),
		1.433A(b),
		1.439A(a), (b),
		1.444A(a)(2)
	8	1.426A(b),
		1.437A
	9	13.406(f)
	10	12.101(c), (d),
	13	16.203(e), (f)
		12.1000(d), (h)
	14	18.207
	15	20.143
	16	18.112
	23	17.713(d)
	29	13.402(f)
	33	13.406(f)
	35	12.1601
	36	17.111

	51 Rpld	17.300—17.310
	Added	17.300—17.321
	52 Rpld	17.104,
		17.107—17.109
	Added	17.104—17.108
	53	3.100—3.104
	54 Rpld	3.301—3.309
	Added	3.301—3.307
	61 Rpld	19.201,
		19.203—19.211
	Added	19.201,
		19.203—19.211
	63 Rpld	3.700, 3.701
	Rpld	14.900—14.905
	Added	3.700
	Added	14.900—14.905
	64	3.305(a)
	67	20.610
	71 Rpld	17.603,
		17.605,

		17.609
	Amd	17.600—17.602
	Added	17.603
	Amd	17.604,
		17.606—17-608,
		17.611
	72	6.305, 6.312(e),
		16.203(d)(1),
		16.204(d),
		16.303(b),
		2.204(a),
		App. A, Rule 1,001(b)
	74	22.101(f), (g)
	77	12.1000
	78	13.402(k)
	79	21.301
	81	6.305, 6.312(e),
		16.203(d)(1),
		16-204(b),
		16.205(d),

		16.303(b),
		2.204(a),
		App. A,
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2005	3 Rpld	16.702(c), (d),
		16-703,
		16.705,
		18.903(e),
		18.908
	Amd & Rnbd	16.700—16.702
	as	16.703
	Rpld	18.500—18-503
	Added	16.500—18.507
	Amd	18.901,
		18.902(a), (f)
		18.904, 18.907
	4	3.101(24), (68)
	5	14.1000—
		14.1021
	8 Rpld	18.1200—

		18.1206,
		20.800—20.805
	Added	18.1200—
		18.1212
		20.800—20.804
	9	20.405
	13	1.306(b)(12)
	14	13.401, 13.402
	18	20-126
	19	20-125
	21	16.119(f)
	22	17.318(g), (h)
	29	16.127(b),
		16.128,
		16-144
		16-145(b), (c),
		16-147(b), (c)
		16-156(a),
		16-156(c),
		16-157(c),

	30	12.501(b), (c)
	31	14.600(a)
	32	16.511(c), (d)
	38	16.1102(b),
		16.1104(g),
		16.1110
	40	6.300
	41 Rpld	3.204—3.206,
		3.214—3.217
	Amd	3.201,
		3.202(e),
		3.203(c)
	Added	3.204—3.206
	Amd	3.213
	Added	3.214—3.229
	43	1.406A(e)
	45	16.205
	58	16.128,
		16.1000
	59	20.127

	59	25.101—25.111
	70	13.1312
	73	19.800, 19.801
	74	14.406, 14,419
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		20.611(3)
	2	5.200
	3	6.100
	8	16.128, 16.1000
	10	Tit. 6, Subtit. 1(title)
	Added	6.101—6.103
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		17.109
	11	13.101,
		13-103
	14	16.125
	15	16.132, 16.134
	16 Rpld	18.1201— 18.1214
	Added	18.1201— 18.1214

	Rpld	20.800—20.804
	Added	20.800—20.804
	19	15.502,
		15.506(c),
		15.507(d),
		15.514(b)
		15.518(c)
	21	17.206
	22	13.202(9)
		13.400—13.404,
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	23	16.1102(b),
		16.1104(e)
	24	1.406(j), (u), (as),
		1.417(c),
		1.427(e), (f), (h),
		1.432(c)—(f),
		1.443(f)
	25	1.406A(i), (r), (ak),
		1.417A(c),

		1.419A(e),
		1.426A(c), (d), (f),
		1.432A(c), (e), (f),
		1.442A(d)
	26	1.426(b)
	37	16.125(b)(2)
	38 Rpld	12.600—12.613
	Added	12.600—12.613
	41	20.601, 20.612,
		20.614, 20.616
	42	12.901
	48 Rpld	5.200—5.303
	Added	5.300, 5.301
	49	18.121
	51	20-128
	53	15.514
	56	16.204
	57	16.128, 16.205
	58	16.204(g),
		16.801(c)

	59	2.203, 16.204
	61	6.204,
		13.402(g),
		17.103(k)(1)(v)
	66	3.100—3.104
	67	20.128A
	68	20.125(i), 20.129
	69	14.401, 14.404,
		14.407(e)(5),
		14.408(i)
	70	3.301—3.303
	71	1.414(a)(4),
		1.417(e)(4),
		1.431(e)(10)
	72	1.406A,
		1.414A,
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	74	22.205(a)
	79	10.101
	80	3.700,

		14.900(f),
		14.901(a),
		14.902(d),
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	81	3.800—3.823
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	5	16.128
	6	16.128
	7	8.400
	8	3.302
	9	20.128A
	10	20.129
	16	2.203(b),
		16.128(c),
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	26	18.104,
		18.104A
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	27	18.102—18.104
		20.600—20.602
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		20.604, 20.615
	31	16.205
	32	20.129A
	33	1.306(b).
		1.309(e)
		6.401(d)(8),
		6.406
	47	3.1000—3.1012
		16.156(b)(3)
	48	16.144(u),
		16.145(c)(21),
		15.147(c)(33),
		16.157(c)(16),
		16.1102(b),

		16.1107(b)
	49	20.119(b)
		20.129B
	51	4.121(g),
		4.122A
	52	1.608,
	Rnbd	1.609—1.611
	as	1.610—1.612
	Added	1.609
	53	17.104
	55	1.302
	56	12.400
	60	3.404(a)
		16.129,
		16.145—16.147
		16.156, 16.157
	66	13.406 (e), (f)
	67	13.1400—13.1404
	68	13.1201,
		13.1202,

	Rnbd	13.1203
	as	13.1204
	Added	13.1203
	69	16.134(a)(1)
	73	13.1315
	74	13.401(g), (l),
		13.402, 13.403,
		13.404(d),
		13.405(a)
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	77	10.402(a),
		10.407(4)
	78	6.639
		6.600
2008	3	2.02, 16.106,
		16.209, 16.301,
		16.303, 16.304,
		16.1600—16.1612,

		24.103
	6	13.402, 13.405, 13.406, 13.406A, 13.407
	7	4.101—4.104, 4.106, 4.106A, 4.109, 4.110, 4.112, 4.115—4.118, 4.121—4.130
	8	3.503(l)
	9	4.103A
	10	13.402
	12	1.306(b)(3) 6.201, 6.401(d) 6.407
	13	11.101
	14	1.400B—1.412B
	15	16.511
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		20.904
	21	1.433, 1.440,
		1.443—1.445
	22	1.431A, 1.443A,
		1.437A,
		1.440A, 1.443A,
		1.444A, 1.445A
	23	2.103,
		6.341,
		12.1700—12.1706
	24	2.103, 6.340,
		16.145—16.147,
		16.156,
		16.1500—16.1507,
		22.205
	26	16.208
	33	1.306
	36	20.904
	37	17.103
	38	17.104(b)

	39	16.1102(b)(5),
		16.1104(c), (h)
	47	3.203, 3.214
	48	12.107
	49	18.1500—18.1509
	51	12.106
	53	23.102
	54	12.1000(b)—(d)
	62	16.1102(a)(1)—(4),
		(b)(6)
	63	12.701(b), (c)
	64	19.700(b), (c)
2009	1	8.400, 8.401
		8.403
	14 Added	1.406(e)
	Rltd	1.406(e)—(aac)
	as	1.406(f)—(aad),
		1.408(b)
		1.426(a)(1),
		1.428

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	36	16.128
		16.144(a)
		16.156(a)
	39	16.108(b)(28.1)
		16.128
		16.144(a)
		16.156(a)
	42	16.1500, 16.1501,
		16.1503, 16.1504
	43	17.204
	46 Added	16.603A
	Dltd	16.605(b)(1)
	Rnbd	16.605(b)(2)—(b)(5)
	as	16.605(b)(1)—(b)(4)
		16.606(d)(2), (d)(3)
	47	3.1002(a)(1), 3.1004,
		3.1008(c)
		20.129B(c), (d)
	48	22.205(a)(3)

		Added	22.205(b)
			22.205(c)
		Rnbd	22.205(b)—(e)
		as	22.205(c)—(f)
	52		20.119A
	53	Added	14.1100—14.1106
	54		20.123(b)
	60		14.416
2010	2	Rpld	5.200
		Added	5.200
	3	Rpld	6.100
		Added	6.100
	4	Added	16.1700—16.1709
	5	Rpld	3.100—3.104
		Added	3.100—3.104
			3.302
			3.303(c)
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			3.102(b)(22)(note)
			17.108(note)

		3.102(note)
	13	18.900—18.909
	Added	18-910—18-914
	Added	19.917
	14 Added	3.1002(c-1)
		3.1003(a)(2)
	15	16.1500, 16.1501,
		16.1503, 16.1504
	20	20.503(a), (a)(2)
	23	1.306(b)(5)
	34	10.400—10.407
	38	16.1501
		16.1503, 16.1504
	42	1.406(h), (r), (w)
	43	1.112(d)—(f)
	47	16.1101(tit.),
		16.1101(a), (c), (g)
	Rltd	16.1101(f)—(h)
	as	16.1101(g)—(i)
	Added	16.1101(f), (g)(5), (h)(4)

		16.1102(b)(1)
	Added	16.1102(b)(8)
		16.1104(b)(4)
		16.1105(tit.)
		16.1105(b), (c)(1), (c)(2), (d)(1), (d)(2)
		16.1106(e)
		16.1110
	56	3.500(b)
	Added	3.500(e)
		3.501(a), (c)
	Added	3.501(c)(9)
		3.502(e)
	Added	3.502A
		3.503(h), (j)
		3.505(a)(4), (b)
	Added	3.505(a)(8)—(10)
		3.505A
		3.508(b)
		3.513
	Added	3.513(c)

		3.514
	Rnbd	3.516
	as	3.517
	Added	3.516
2011	3 Added	6.342,
		6.700—6.702
	5	1.306(b)(3)
	Dltd	6.201(e)
	Rltd	6.201(f)—(i)
	as	6.201(e)—(h)
	Added	6.201(i), (j)
		6.401(d)(8)
	Added	6.408
	Rpld	16.801(c)(11)
	Rnbd	16.801(c)(12)—(15)
	as	16.801(c)(11)—(14)
	6	16.128
	10	13.402(d)
	Added	13.402A
		13.403(a)

	Added	13.404(a)(7)
		13.405(b)(1), (c)(1), (c)(3), (d)(1)(i), (d)(2), (d)(2)(ii), (e)(1)
		13.406(title)
		13.406(a), (b)
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	50	Rpld	22.200—22.209
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	51	Added	21.214
	54		12.200 II.
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	12	Rpld	3.100—3.104
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	7 Added	21.207(d)
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13-101 et seq.	tit. 4, sub. 3

Education

Section	Section this Code
7-101 et seq.	tit. 9, sub. 1
7-801 et seq.	9.100

—	9.101
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<u>Election Law</u>	
Section	Section this Code
Tit. 1, Subt. 1	10.300
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6-103	10.402
6-201(c)(2)	10.400
6-203	10.401
6-207	10.403
7-103	10.404
7-104	10.403

<u>Environment</u>	
Section	Section this Code
2-101 et seq.	12.108
2-104	12.108

Tit. 4	3-403
—	18.300
4-101 et seq.	tit. 3, subt. 4
—	tit. 18, subt. 3
4-201 et seq.	tit. 18, subt. 5
—	tit. 18, subt. 9
4-202.1(i)	20.1111
9-1711	18.611
Tit. 9, Subt. 5	18.611
Tit. 9, Subt. 7	18.611
10-101 et seq.	12.110

<u>Health</u>	
Section	Section this Code
24-501 et seq.	tit. 12, subt. 6
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<u>Health—General</u>	
Section	Section

	this Code
tit. 3	12.101
3-301 et seq.	12.102
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<u>Health Occupations</u>	
Section	Section this Code
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—	17.802

<u>Local Government</u>	
Section	Section this Code
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Public Safety

Section	Section this Code
Tit. 9, Subt. 1	17.104
Tit. 12, Subt. 3	3.102
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—	tit. 3, subt. 3
12-601 et seq.	tit. 3, subt. 2
14-101 et seq.	17.109
14-109	17.109
14-702	17.110

Real Property

Section	Section this Code
8A-101 et seq.	tit. 16, subt. 5
8-203	17.1008
—	17.1009
—	17.1010
8-203(a)	17.1007

8-211	17.1009
—	17.1014
8-212.1	17.1009
8-212.2	17.1009
8-213	17.1010
8A-1801 et seq.	tit. 16, sub. 5
9-250	20.129C
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11-109	14.1101
11-137	13.1202

<u>State Government</u>	
Section	Section this Code
10-501 et seq.	13.1308
15-801 et seq.	tit. 22, sub. 2
15-803	tit. 22, sub. 2
Tit. 15, Subt. 8	22.203
15-848 et seq.	tit. 22, sub. 2
—	tit. 22, sub. 3

Tax—Property

Section	Section this Code
7-101 et seq.	20.130
7-521	20.207
8-104	20.113
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9-101 et seq.	tit. 19, pt. II
9-104	20.126
—	20.129
9-105	20.129F
—	20.129G
—	20.229E
9-201 et seq.	20.111
9-203	20.128A
9-204	20.112
9-204.1	20.113
9-207	20.114
9-210	20.119A
9-211	20.119B

9-213	20.115
9-214	20.115
9-215	20.126
9-215(a)(1)	20.121
9-215(a)(2)	20.122
9-215(a)(3)	20.123
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9-220	20.128
9-222	20.116
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9-235	20.127
9-242	20.119
—	20.129B
9-245	20.129
9-250	20-129C
9-258	20.129E
9-260	20-129F
9-261	20.129G
9-315	tit. 20, pt. III
9-315(a)(5)	20.129A

10-102(b)	20.202
10-204	20.125
10-205	20.103
10-210	20.204
9-258	20.229E
10-301	20.100
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11-101 et seq.	21.101
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Tit. 14, Subt. 8	20.1204
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—	20.203
14-702	20.102
—	20.203
14-808	20.140
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<u>Transportation</u>	
Section	Section this Code

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21-308	21.314
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21-1003	21.221
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21-1201 et seq.	tit. 21, subt. 4
21-1211	17.902
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25-101 et seq.	tit. 21
25-102(a)(1)	tit. 21, subt. 2

25-102(a)(4)	21.314
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25-102(a)(9)	21.312
25-102(a)(10)	21.311