

Code
of the
Public Local Laws
of
Washington County
2007 Edition

July 1, 2007

(Article 22 of the Code of Public Local Laws of Maryland)

Comprising all the local laws of the State of Maryland in force in Washington County to and inclusive of the
Acts of the General Assembly of 2007

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**A Legalizing Act for the 2007 Edition
of the
Code of the Public Local Laws
of Washington County**

Sections 1, 2 and 3 of Chapter 253 of the Acts of the General Assembly of Maryland of
2007 read as follows:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The 2007 edition of the Code of Public Local Laws of Washington County, being Article 22 of the Code of Public Local Laws of Maryland, published under the direction of the Board of County Commissioners of Washington County, is legalized.

(b) Any pocket or loose-leaf supplements to the 2007 edition of the Code of Public Local Laws of Washington County that may be published under the direction of the Board of County Commissioners of Washington County are legalized.

(c) The 2007 edition of the Code of Public Local Laws of Washington County shall contain all public local laws relating to Washington County through the 2007 regular session of the General Assembly of Maryland.

(d) The 2007 edition of the Code of Public Local Laws of Washington County and any supplements shall be deemed and taken in all courts of the State and by all public officials of the State and of the political subdivisions of the State to be evidence of the public local laws of Washington County.

SECTION 2. AND BE IT FURTHER ENACTED, That the Board of County Commissioners of Washington County shall make an appropriation to provide for the publication of this Code and the Board may provide for its sale and distribution.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2007."

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Subtitle 1. General

1-101. County Commissioners; number.

There are 5 County Commissioners who hold office as provided in this title. (P.L.L., 1860, Art. 21, sec. 79; 1888, Art. 22, sec. 91; 1930, sec. 138; 1957 Code, sec. 168; 1892, ch. 366; 1970 ed. sec. 8-1; 1984, ch. 289; 1984 ed. sec. 1-101; 1991, ch. 211)

1-102. Term of Commissioner.

The term of office for a County Commissioner begins on the first Tuesday in December after the November election. (1970 ed. sec. 8-1A; 1983, ch. 441; 1984, ch. 289; 1984 ed. sec. 1-102; 1991, ch. 211)

1-103. Compensation.

(a) **Annual salary.** The annual salary for a County Commissioner is \$30,000, payable as provided by the county's payroll system.

(b) **Presidential supplement.** The Commissioner elected President of the Board shall receive an additional \$3,000 per year.

(c) **Reimbursement of Expenses.** Each County Commissioner may be reimbursed up to an annual total of \$2,000 for any reasonable expenses incurred by the Commissioner in carrying out the functions of the office.

(d) **Benefits.** Each County Commissioner is entitled to health insurance and to other fringe benefits regularly provided to county employees.

(e) **Prohibition.** A Commissioner may not receive any other compensation for services as a Washington County Commissioner. (P.L.L., 1930, Art. 22, sec. 139; 1957 Code, sec. 169; 1910, ch. 591 (p. 1174); 1924, ch. 51; 1927, ch. 61; 1933, ch. 108; 1941, ch. 384; 1953, ch. 380; 1966, ch. 420; 1970, ch. 131; 1974, ch. 522; 1977, ch. 558; 1982, ch. 78; 1970 ed. sec. 8-2; 1984, ch. 289; 1984 ed. sec. 1-103; 1985, ch. 340; 1989, ch. 53; 1990, ch. 198; 1991, ch. 211; 2000, ch. 145; 2002, ch. 220)

1-104. County Administrator.

(a) **Appointment; salary; qualifications; bond.** The County Commissioners shall appoint a County Administrator at a salary set by the Commissioners. The County Administrator shall be selected on the basis of the applicant's executive and administrative abilities, including the applicant's knowledge and experience in public administration and public affairs. The County Administrator shall execute a surety bond in favor of the County Commissioners in the amount and with the corporate surety prescribed by the Commissioners and approved by the County Attorney, with the condition that the County Administrator shall execute the duties of the office well and faithfully as required by law. The premium for the bond shall be paid from county funds.

(b) **General responsibility.**

(1) The County Administrator shall work full time for the county and shall be responsible to the County Commissioners for the proper administration of its affairs.

(2) The County Administrator shall be held responsible for the proper discharge of the duties of the office, but may delegate to appropriate officers and employees authority necessary to carry out the duties of the office.

(c) ***Powers and duties.*** The County Administrator has the following powers and duties:

(1) To be chief administrative officer of the county and under the general supervision and control of the County Commissioners to be responsible for and handle the day-to-day operations of the county government, all as more particularly described in this section.

(2) To supervise and coordinate the administration of the functions of the several departments and administrative agencies of the county and to carry out the general policies, orders, and instructions of the County Commissioners in the administration of the public local and other laws applying to the county.

(3) To recommend to the County Commissioners persons for appointment to offices and positions in the county government.

(4) To prepare a comprehensive annual report to the County Commissioners of the operations of the county government.

(5) To ascertain that adequate insurance coverage for the county is maintained at all times, and to assist in arranging for surety bonds for the county officers and employees who are required to furnish bonds.

(6) To be responsible for the care and custody of all county buildings and of all real and personal property of the county.

(7) To perform other duties and functions assigned to the County Administrator by the County Commissioners.

(d) ***Temporary absence.***

(1) In the temporary absence of the County Administrator, the County Commissioners may appoint an Acting County Administrator.

(2) During the period of holding this position, the Acting County Administrator has all the powers, duties, functions, and responsibilities of the office of the County Administrator. (1974, ch. 546; 1970 ed. sec. 8-42; 1984, ch. 289; 1984 ed. sec. 1-104; 1991, ch. 211)

1-105. Office hours.

The County Commissioners, in their discretion and as the best interests of the county government and of the residents and employees of the county require, may establish and regulate the office hours and working hours of the County Commissioners and of all offices and employments within and under the county government. (1961, ch. 409; 1970 ed. sec. 8-40; 1984, ch. 289; 1984 ed. sec. 1-105; 1991, ch. 211)

1-106. Contracts over \$25,000; bids.

(a) **Advertising required.** Except as provided in subsection (d) of this section, the County Commissioners or any employee of the county may not enter into any contract of sale or purchase or any contract for any county work, project, or other expenditure to which the county is a party where the amount involved in the contract exceeds \$25,000 without advertising for bids at least 1 week before the bid by publication in at least one newspaper that is published in the county or through electronic media.

(b) **Lowest bidder.**

(1) A contract of sale shall be awarded to the highest responsible bidder.

(2) A contract of purchase or other expenditure shall be awarded to the lowest responsible bidder who submits a responsive bid.

(3) If a bidder has not paid all taxes owed to the county or a municipal corporation in the county, the County Commissioners may reject the bidder's bid.

(4) Notwithstanding the provisions of this subsection, the County Commissioners may reject any bid.

(5) (i) After competitive sealed bids have been opened, a procurement officer may award a procurement contract on the basis of revised bids if:

1. All bids are rejected under paragraph (4) of this subsection;

2. All bid prices exceed the funds available for the procurement; or

3. With the approval of the head of the unit or a designee, the procurement officer determines that all bids are unreasonable as to at least one requirement and the delay that would result from issuing a new invitation for bids with revised specifications or quantities would be fiscally disadvantageous or otherwise not in the best interests of the county.

(ii) If there is more than one bidder, discussions about revised specifications or quantities shall be conducted with all responsible bidders who submitted responsive bids. The bidders shall be treated fairly and equally with respect to any discussions.

(iii) As promptly as possible, the procurement officer shall:

1. Issue an invitation for revised bids, which shall state whether the award will be made without competitive negotiations; and

2. Require a prompt response to that invitation.

(iv) An invitation for revised bids is not subject to public notice requirements.

(v) After revised bids have been submitted, negotiations with bidders may not be conducted unless the procurement officer determines that there is a compelling reason to negotiate.

(vi) After revised bids have been opened and any approval required by law has been obtained, the procurement officer shall award the procurement contract to the responsible bidder who submits a responsive bid that:

1. Is the lowest bid price; or

2. If the invitation for revised bids so provides, is the lowest evaluated bid price.

(c) ***Void contract.***

(1) Any contract entered into in violation of the provisions of this section is void.

(2) (i) The provisions of this section do not apply to:

1. Any contract or other transaction involving the deposit of county funds in any authorized State or federal banking institution;

2. Emergency or expedited procurements made under § 1-106.4 of this subtitle;

3. The purchase of tangible personal property at a public auction;

4. Any contract for which the County Commissioners approve sole source procurement under § 1-106.2 of this subtitle; or

5. A contract of sale or purchase of equipment or a contract for other expenditures by the Sheriff's Office, the State's Attorney's Office, or the Narcotics Task Force for use in covert operations.

(ii) All records maintained for a procurement under paragraph (2)(i)5 of this subsection shall remain confidential until the conclusion of the covert operation, at which time the records shall be made public.

(d) **Exception.** Subject to § 1-301 of this title, the County Commissioners may enter into a contract of sale or purchase of real estate without advertising for bids.

(e) **Required clauses.**

(1) Each procurement contract shall include clauses covering:

(i) Termination for default;

(ii) Termination wholly or partly by the county for its convenience if the head of the primary procurement unit determines that termination is appropriate;

(iii) Variations that occur between estimated and actual quantities of work in a procurement contract;

(iv) Liquidated damages, as appropriate;

(v) Specified excuses for nonperformance;

(vi) Except for real property leases, the unilateral right of the county to order in writing:

1. Changes in the work, if the changes are within the scope of the procurement contract; and

2. A temporary stop or delay in performance; and

(vii) The obligation of the contractor to comply with the political contribution reporting requirements under Title 14 of the Election Law Article of the Annotated Code of Maryland, to which the contractor may be subject as required under § 17-402 of the State Finance and Procurement Article of the Annotated Code of Maryland.

(2) In addition to the clauses required under paragraph (1) of this subsection, a procurement contract for construction shall include:

(i) A clause providing for contract modification if the condition of a site differs from the condition described in the specifications; and

(ii) A clause covering the requirements for notice of contract claims, submission of contract claims, and resolution of contract claims.

(3) Each procurement contract shall include a clause that gives to the parties notice that preexisting regulations apply to the procurement contract.

(4) At any time after the parties enter into a procurement contract they may include additional clauses in the procurement contract, by consent, without consideration.

(5) A clause required under this section for contract modification of or change orders to a procurement contract for construction shall:

(i) Make each contract modification or change order that affects the price of the procurement contract subject to:

1. Prior written approval from the unit and any other person responsible for the procurement contract; and

2. Prior certification by the fiscal authority responsible for the unit about:

A. The availability of money; and

B. The effect of the contract modification or change order on the project budget or the total construction cost; and

(ii) Prohibit the contract modification or change order if the certification by the fiscal authority discloses that the contract modification or change order will increase the cost beyond budgeted and available money, unless:

1. Sufficient additional money is made available; or

2. The scope of the project is adjusted to allow completion within the project budget. (1957 Code, sec. 189; 1937, ch. 486; 1941, ch. 885, sec. 162A; 1951, ch. 121; 1976, ch. 111; 1977, ch. 146; 1970 ed. sec. 8-23; 1984, ch. 289; 1984 ed. sec. 1-106; 1990, ch. 38; 1991, ch. 211; 1992, ch. 114; 1993, ch. 286, ch. 508; 1994, ch. 3; 1996, ch. 61; 1997, ch. 475; 1998, ch. 542; 1999, ch. 108; 2001, ch. 85; 2005, ch. 77)

1-106.1. Contracts for public improvements.

(a) *Advertising not required.* Notwithstanding § 1-106 of this subtitle and subject to subsection (b) of this section, the County Commissioners may contract, without advertising for bids, for a part of any public improvement if responsibility for the majority of the public improvement is with another public entity or a private entity.

(b) ***Limitations.***

(1) The costs to the county under a contract adopted under this section may not exceed \$50,000.

(2) Any action by the County Commissioners to participate in a public improvement in accordance with this section shall be:

(i) Taken at a regularly scheduled meeting of the County Commissioners; and

(ii) Based on written price quotations from at least three contractors. (1993, ch. 506; 1994, ch. 3)

1-106.2. Sole source procurement.

(a) ***Authorized.*** A sole source procurement is permissible when:

(1) Only one source exists that meets the county's requirements;

(2) The compatibility of equipment, accessories, or replacement parts is the paramount consideration;

(3) A sole vendor's item is needed for trial use or testing;

(4) A sole vendor's item is to be procured for resale;

(5) Certain public utility services are to be procured and only one source exists; or

(6) Authorized under subsection (c) of this section.

(b) ***Determination by procurement officer.***

(1) The procurement officer, with the approval of the agency head, shall make the determination as to whether a procurement shall be made as a sole source procurement. This determination shall be in writing and shall state the basis for the determination. The procurement officer may specify the application of the determination and the duration of its effectiveness. In cases of reasonable doubt, competition shall be solicited. A request by an agency that a procurement be restricted to one vendor shall be accompanied by an acceptable written explanation as to why no other vendor is suitable or acceptable to meet the county's needs.

(2) Notwithstanding any other provision of this section, a sole source procurement contract entered under this section shall be approved by four of the five County Commissioners.

(c) ***Specific authority.***

(1) A procurement agency, with the prior written approval of the County Attorney, may enter into a sole source contract to retain the confidential services of a contractor to represent the interests of the county in connection with:

- (i) Threatened or pending litigation;
- (ii) Appraisal of real property contemplated for acquisition by the county; or
- (iii) Collective bargaining.

(2) When it is determined to be in the best interests of the county, a procurement officer may negotiate the renewal of an existing real property lease without soliciting other proposals.

(3) If the procurement agency reasonably can anticipate a continuing need for the services described in paragraph (1)(ii) or (iii) of this subsection, sole source procurement is inappropriate.

(d) ***Negotiation by procurement officer.*** The procurement officer shall conduct negotiations, as appropriate, as to price, delivery, and terms for a sole source procurement.

(e) ***Notice; records.***

(1) Not more than 10 days after the execution and approval of a contract under this section, the procurement agency shall publish notice of the award in a newspaper of general circulation in the county.

(2) A record of sole source procurements shall be maintained that states:

- (i) Each contractor's name;
- (ii) The type and value of each contract;
- (iii) The items procured under each contract;
- (iv) The identification number of each contract file; and
- (v) The written explanation as to why the procurement is restricted to one vendor. (1993, ch. 508; 1994, ch. 3)

1-106.3. Intergovernmental cooperative purchasing.

(a) **Definition.** In this section, “governmental entity” means:

(1) The federal government or an agency or instrumentality of the federal government;

(2) The state government, another state, or an agency or instrumentality of the state or another state; or

(3) Another county, a municipality, or other political subdivision of the state or of another state or an instrumentality of a political subdivision.

(b) **Authority to participate in intergovernmental cooperative purchasing.** Whenever the County Commissioners determine that it is in the best interest of the County, the County Commissioners:

(1) May allow other governmental entities to procure goods or services through a contract entered by the County in accordance with the terms of the contract; or

(2) Notwithstanding § 1-106 of this subtitle, may procure goods and services through a contract entered into by another governmental entity in accordance with the terms of the contract, regardless of whether the county was a party to the original contract.

(c) **Determination by resolution.** A determination to allow or participate in an intergovernmental cooperative purchasing arrangement under subsection (b) of this section shall be by resolution and shall either indicate that the participation will provide cost benefits to the county or result in administrative efficiencies and savings or provide other justifications for the arrangement. (1998, ch. 543)

1-106.4. Emergency and expedited procurement.

(a) **Emergency defined.** In this section, “emergency” means a sudden and unexpected occurrence or condition, which agency management reasonably could not foresee, that requires an action to avoid or to mitigate serious damage to public health, safety, or welfare.

(b) **Emergency procurement authorized.**

(1) The procurement officer may make an emergency procurement by any method that the procurement officer considers most appropriate to avoid or mitigate serious damage to public health, safety, or welfare.

(2) The procurement officer shall:

(i) Obtain as much competition as possible under the circumstances;

(ii) Limit the emergency procurement to the procurement of only those items, both in type and quantity, necessary to avoid or to mitigate serious damage to public health, safety, or welfare; and

(iii) After awarding the procurement contract, submit to the Board of County Commissioners a written report that gives the justification for use of the emergency procurement procedure.

(c) ***Expedited procurement authorized.***

(1) The procurement officer may make a procurement on an expedited basis if the head of the unit and the Board of County Commissioners find that:

(i) Urgent circumstances require prompt action;

(ii) An expedited procurement best serves the public interest; and

(iii) The need for the expedited procurement outweighs the benefits of making the procurement on the basis of competitive sealed bids or competitive sealed proposals.

(2) The procurement officer shall attempt to obtain as much competition as reasonably possible. (2005, ch.77)

1-107. Aid to manufactories.

(a) ***Authorized.*** Subject to the qualifications set forth in this section, the County Commissioners may not spend not more than \$35,000 annually for the following purposes:

(1) To aid and assist any factory in Washington County engaged in the production of goods essential to the defense of the State or nation;

(2) To prevent any factory now located in Washington County from moving elsewhere because of inducements offered by any other state, county, or municipality; or

(3) To aid and assist any factory to become established in Washington County.

(b) ***Use of funds.*** All money spent under this section shall be spent only on property which is either owned in fee by the county, or leased by the county for a term of at least 15 years.

(c) ***Annual levy.*** The County Commissioners shall provide in each annual levy an amount equal to the sum to be spent in each year under this section. (1957 Code, sec. 190; 1941, ch. 885; 1970 ed. sec. 8-24; 1984, ch. 289; 1984 ed. sec. 1-107; 1991, ch. 211)

1-108. Contributions to non-profit organizations.

(a) *Listed.* Subject to subsections (b) and (c) of this section, the County Commissioners may contribute annually to the care, operation, maintenance, or capital expense of non-profit organizations in Washington County, if the amount is included in the regular annual budget of Washington County for that fiscal year.

(b) *List of non-profit organizations.*

(1) The County Commissioners shall maintain a list of non-profit organizations that are eligible to receive funds under this section.

(2) The County Commissioners may include on the list of non-profit organizations any organization approved by Public Local Law or by the County Commissioners on or before September 30, 1998 without requiring an application or hearing before inclusion on the list.

(c) *Application by organization.*

(1) The County Commissioners may add to the list under subsection (b) of this section upon application by an organization.

(2) The application shall be made at least 90 days before the county's fiscal year begins and after a public hearing on the request for funds has been held.

(d) *Publication of list.* The County Commissioners shall make the list under this section available for public inspection and may publish it in the manner the County Commissioners consider appropriate.

(e) *Funds – Nonprofit Organizations.* The County Commissioners may not reduce in the county budget the total amount of appropriations to nonprofit organizations below the total amount of appropriations made to nonprofit organizations in the budget for fiscal year 1996. (1957 Code, sec. 196; 1957, ch. 780, sec. 166B; 1963, ch. 464; 1965, ch. 856; 1970 ed. sec. 8-30; 1984, ch. 289; 1984 ed. sec. 1-108; 1991, ch. 211; 1998, ch. 248; 2002, ch. 26)

1-109. Rewards.

The County Commissioners may:

(1) Offer a reward, as they consider appropriate, for the arrest and conviction of criminals for offenses committed within the county, whenever in their judgment the nature and character of the offense warrants it; and

(2) Levy a tax upon the assessed property of the county to pay the reward. (P.L.L., 1888, Art. 22, sec. 100; 1930, sec. 148; 1957 Code, sec. 176; 1886, ch. 325; 1974, ch. 823, sec. 8-9; 1980, ch. 102; 1970 ed. sec. 8-9; 1984, ch. 289; 1984 ed. sec. 1-109; 1991, ch. 211)

1-110. Charitable solicitations.

(a) *Authorized.* The County Commissioners may adopt regulations to provide for the licensing and regulation of persons or groups conducting solicitations for charity in Washington County.

(b) *Penalties.* Any person who violates the regulations adopted by the County Commissioners is guilty of a misdemeanor and upon conviction shall be fined not less than \$5 nor more than \$250. (1961, ch. 805; 1970 ed. sec. 5-1; 1984, ch. 289; 1984 ed. sec. 1-110; 1991, ch. 211)

1-111. Collective bargaining.

(a) *Authorized.* The County Commissioners may negotiate wages, hours, and other terms and conditions of employment with groups of employees of the county.

(b) *Strikes prohibited.* An employee of the county may not participate in a strike. (1992, ch. 115)

1-112. Civil offenses.

(a) The Board of County Commissioners may provide that a violation of the following shall be a civil offense and prosecuted in accordance with Article 23A, § 3(b) of the Annotated Code of Maryland:

(1) Any ordinance, code, rule, or bylaw relating to requirements for building standards, including any building, fire, plumbing, or electrical code; or

(2) Any ordinance, code, rule, or bylaw relating to the regulation of skilled trade services, including the provision of electrical, plumbing, heating, or cooling services.

(b) The Board of County Commissioners shall adopt ordinances to carry out the provisions of this section.

Subtitle 2. County Clerk

1-201. Clerk; oath.

(a) **County Clerk.** The County Commissioners shall appoint a County Clerk.

(b) **Oath.** Before entering upon the duties of his office the County Clerk shall take and subscribe before the Clerk of the Circuit Court the oath prescribed in Article I, Section 6 of the Constitution of Maryland. (P.L.L., 1860, Art. 21, sec. 82; 1888, Art. 22, sec. 93; 1930, sec. 141; 1957 Code, sec. 170; 1910, ch. 510, sec. 93 (p.1178); 1974, ch. 823, sec. 8-3; 1970 ed. sec. 8-3; 1984, ch. 289; 1984 ed. sec. 1-201; 1991, ch. 211)

1-202. Same; duties, bond.

(a) **Duties; bond.**

(1) The County Clerk shall:

(i) Keep careful and accurate minutes of the proceedings of the County Commissioners;

(ii) Keep all records, papers and documents of the county in safe custody;

(iii) File all accounts and claims presented against the county, and whenever any account is approved and passed by the County Commissioners, make a record of it in a book to be kept for that purpose, to which shall be attached an accurate index, so that the dealings of every one with the County Commissioners may be readily ascertained;

(iv) Perform other duties imposed upon clerks of county commissioners by any general or local law and other clerical duties required of the county clerk by order of the County Commissioners;

(v) Receive all money paid to the County Commissioners from all sources except the annual levy;

(vi) Keep an accurate account of all money received by the county clerk and pay it over, as received, to the Tax Collector of Washington County; and

(vii) Make a detailed monthly report to the County Commissioners.

(2) (i) Before beginning the duties of the office of the County Clerk, the County Clerk shall execute a \$10,000 bond to the State of Maryland, to be approved by a judge of the Circuit Court for Washington County, conditioned on the true and faithful performance of

the duties of the office. The bond shall provide that the County Clerk shall well and faithfully account for and pay to the proper person all money, orders, or funds coming into the County Clerk's hands.

(ii) The bond shall be liable for any default by the County Clerk or misappropriation of any of the county's money or funds which are entrusted to the County Clerk, and shall be recorded in the office of the Clerk of the Circuit Court for Washington County.

(3) (i) The County Clerk shall receive from the Tax Collector for the county all interest coupons upon the bonded indebtedness of the county due and paid by the Tax Collector and all bonds due and redeemed by the Tax Collector; and

(ii) The County Clerk at once shall cancel the coupons and bonds and report to the County Commissioners at their next meeting the amount of coupons or bonds, or both, received and canceled.

(4) The bond of the Tax Collector shall be responsible for all money paid the Tax Collector by the County Clerk in accordance with this section. The Tax Collector shall pay out the money received by the Tax Collector on orders or warrants of the County Commissioners in the manner provided by § 2-403 of this Code.

(5) All necessary books and stationery required by the County Clerk shall be supplied by the County Commissioners and shall remain the property of the County Commissioners.

(b) ***Additional duties.*** Notwithstanding any other provision of this Code, the County Commissioners by ordinance may:

(1) Provide additional duties for the County Clerk; and

(2) Assign duties imposed upon the County Clerk by this section to other county officials. (P.L.L., 1888, Art. 22, sec. 94; 1930, sec. 142; 1957 Code, sec. 171; 1880, ch. 65; 1910, ch. 510, sec. 94 (p. 1178); 1974, ch. 823, sec. 8-4; 1970 ed. sec. 8-4; 1984, ch. 289; 1984 ed. sec. 1-202; 1991, ch. 211)

1-203. Same; vacancy.

In event of the County Clerk's death, resignation, removal, disqualification, or failure to properly qualify, the County Commissioners shall fill the vacancy as soon as practicable. (P.L.L., 1860, Art. 21, sec. 84; 1888, Art. 22, sec. 95; 1930, sec. 143; 1957 Code, sec. 172; 1910, ch. 510, sec. 95 (p. 1179); 1974, ch. 823, sec. 8-5; 1970 ed. sec. 8-5; 1984, ch. 289; 1984 ed. sec. 1-203; 1991, ch. 211)

1-204. Same; compensation; assistant and attorney.

(a) *Salary.* The County Clerk shall receive an annual salary as provided in the budget.

(b) *Other help.* The County Commissioners may employ:

(1) An assistant to the County Clerk at an annual salary as provided in the budget; and

(2) Attorneys for the County Commissioners at annual salaries as provided in the budget. (P.L.L., 1860, Art. 21, sec. 85; 1888, Art. 22, sec. 96; 1930, sec. 144; 1957 Code, sec. 173; 1910, ch. 510, sec. 96 (p. 1179); 1924, ch. 35; 1927, ch. 342; 1933, ch. 104; 1937, ch. 541; 1939, ch. 485; 1943, ch. 432; 1953, ch. 379; 1970 ed. sec. 8-6; 1984, ch. 289; 1984 ed. sec. 1-204; 1991, ch. 211; 2006, ch. 99)

1-205. Same; examination of books, papers.

During normal working hours, the County Clerk shall permit any county taxpayer to examine and make copies of any books, papers, records, and accounts pertaining to the business of the County Commissioners. (P.L.L., 1930, Art. 22, sec. 145; 1957 Code, sec. 174; 1910, ch. 510, sec. 97 (p. 1179); 1970 ed. sec. 8-7; 1984, ch. 289; 1984 ed. sec.1-205; 1991, ch. 211)

1-206. Same; oath to claimants.

The County Clerk may administer an oath or affirmation to any person who presents a claim to the County Commissioners against the county. The County Clerk may not make any charge for the service. (P.L.L., 1888, Art. 22, sec. 98; 1930, sec. 146; 1957 Code, sec. 175; 1876, ch. 83; 1974, ch. 823, sec. 8-8; 1970 ed. sec. 8-8; 1984, ch. 289; 1984 ed. sec. 1-206; 1991, ch. 211)

Subtitle 3. Real Estate

1-301. Conveyance or acquisition of real estate.

(a) *Conveyance authorized.*

(1) The County Commissioners may lease, sell, at either public or private sale, and convey or otherwise dispose of and convey any interest in real estate held by the County Commissioners and no longer needed for public use.

(2) The County Commissioners' intent to sell, dispose of, or convey, except in the case of a conveyance made between the county and any federal, state or local government, shall be advertised in a newspaper of general distribution in the county, once a week for 3 successive weeks.

(3) (i) The County Commissioners shall advertise their intent to lease real property to another person or entity if the monthly rent for the real property is greater than \$2,000.

(ii) The County Commissioners' intent to lease real property described in subparagraph (i) of this paragraph shall be advertised at least once in a newspaper of general distribution in the county.

(b) ***Acquisition authorized.***

(1) The County Commissioners may buy at public or private sale or accept without consideration any real estate which in their judgment is useful to Washington County.

(2) Funds used to purchase real estate described in paragraph (1) of this subsection may not be expended from the general fund of the county for the acquisition of real property under this subsection unless:

(i) A public hearing has been held on the matter; and

(ii) The proceeds from sales of all existing school facilities, school lands, and other properties presently used for school facilities and titled in the name of the county or branch, department or derivative of the county are paid into the "Special School Fund" for school construction and repairs created by the Washington County School Bond Act of 1963. (1957 Code, sec. 177; 1945, ch. 521; 1959, ch. 280; 1963, ch. 693; 1970 ed. sec. 8-10; 1984, ch. 289; 1984 ed. sec. 1-301; 1991, ch. 211; 1994, ch. 396; 2003, ch. 188)

1-302. Purchase of real estate for public purposes.

The County Commissioners may purchase any real estate, together with improvements and equipment connected with the property, located in the City of Hagerstown, and make necessary improvements for any lawful purpose designated by the County Commissioners. (1957 Code, sec. 192. 1936 Sp. Sess., ch. 62, sec. 1; 1981, ch. 14; 1970 ed. sec. 8-27; 1984, ch. 289; 1984 ed. sec. 1-302; 1991, ch. 211)

Subtitle 4. Prisoners and Inmates

1-401. Work by prisoners in jail.

The County Commissioners may empower the Sheriff to work, for any purpose in addition to those specified in § 9-503 of the Correctional Services Article of the Annotated Code of Maryland, prisoners who have been sentenced to the Washington Detention Center. (1957 Code, sec. 178; 1949, ch. 348; 1970 ed. sec. 8-11; 1984, ch. 289; 1984 ed. sec. 1-401; 1991, ch. 211; 2006, ch. 44)

1-402. Care of alcoholic inmates.

(a) **Permission.** The County Commissioners may:

(1) Spend funds for facilities for the care, custody, and rehabilitation of alcoholic inmates;

(2) Appoint advisory and study groups to devise plans for meeting the problems; and

(3) Cooperate with any local, state, or national governmental or civic organization to achieve the end result.

(b) **Compensation.**

(1) Groups appointed under subsection (a) of this section are solely responsible to the County Commissioners and may not receive any compensation other than nominal travel allowance and permissible secretarial assistance.

(2) The County Commissioners or any groups appointed by that body shall coordinate their activities and planning with the Sheriff's office for Washington County. (1961, ch. 308; 1970 ed. sec. 8-12; 1984, ch. 289; 1984 ed. sec.1-402; 1991, ch. 211)

Subtitle 5. Housing, Building Permits and Sidewalks

1-501. Housing Code.

(a) **Housing Code.** The County Commissioners may prepare and adopt a Housing Code. The Code shall stipulate minimum housing standards that are necessary in order to make dwellings fit for human habitation. The Code shall be administered by the County Board of Health, and they shall have the power to employ and train personnel necessary to enforce its provisions.

(b) **Exception.** This section does not apply to any incorporated municipality in Washington County. (1959, ch. 722; 1961, ch. 198; 1970 ed. sec. 8-26; 1984, ch. 289; 1984 ed. sec. 1-501; 1991, ch. 211)

1-502. Building permits required.

(a) **Building permit required.** Before erecting any new building or any addition to any existing building involving a total expense of \$1,000 or more, all persons, firms, or corporations shall make a report of the building intentions to the Supervisor of Assessments of Washington County.

(b) **Fee.** The Supervisor of Assessments shall acknowledge receipt of the report in writing on a suitable form. A fee may not be charged for it.

(c) **Misdemeanor.** Any person or corporation failing to comply with the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$100. (1957 Code, sec. 195; 1953, ch. 242; 1970 ed. sec. 8-30; 1984, ch. 289; 1984 ed. sec. 1-502; 1991, ch. 211)

1-503. Sidewalks; powers to have repaired, etc.

(a) **Powers.** The County Commissioners, in addition to but not in substitution of the powers which have been or may be granted them, may require the installation of sidewalks along the public streets and highways of the county, except in incorporated municipalities of the county. The Commissioners may require that they be graded, paved, repaired or improved, with curbs to be set and gutters laid, at the cost and expense of the abutting real property or the owner; or compel by fine or otherwise the owner or proprietor of any lot or parcel of land to pave or repair sidewalks or footways and to set curbs and lay gutters in front of the sidewalks.

(b) **Notice required.**

(1) The County Commissioners, before proceeding to carry out the provisions of this section, shall notify every owner in front of whose property they propose to do any grading, paving, setting of curb, laying of gutters, or repairing and shall allow the owners 30 days to perform the work under the direction of the County Commissioners. If the owners fail or refuse to complete the work by the expiration date on the notice, the County Commissioners may perform the work and its cost shall be assessed against the owners in front of whose property the work was performed.

(2) Whenever the County Commissioners have determined, under the provisions of this section, the exact amount of cost for which any property or the owners have been liable for work done or repairs made, they shall deliver to the County Treasurer a statement of the amount or amounts, together with the names of the respective owners of the property in front of which the work was done or the repairs were made. The County Treasurer shall enter upon the County Treasurer's books against each property mentioned in the statement the amount charged respectively to the property. This amount constitutes a lien on the particular parcel of property against which the amount is assessed. The County Treasurer shall notify each of the owners of the amount charged against the owner's property and proceed to collect the amount in the same way and manner as taxes are collected for the county. (1957 Code, sec. 194; 1951, ch. 503; 1970 ed. sec. 8-29; 1984, ch. 289; 1984 ed. sec. 1-503; 1991, ch. 211)

Subtitle 6. Miscellaneous Boards

1-601. Public works.

(a) **Abolish water or sewer authority; create division of public works.**

(1) The County Commissioners, by ordinance or resolution, may:

(i) Abolish any water or sewer authority created or authorized by them pursuant to Title 9, Subtitle 9 of the Environment Article of the Annotated Code or by Public Local Law; and

(ii) Abolish any sanitary district or commission created or authorized by county commissioners pursuant to Title 9, Subtitle 6 of the Environment Article of the Annotated Code or by Public Local Law.

(2) If a district or commission has been abolished, the County Commissioners:

(i) Shall create a division of public works and provide for its organization and functions;

(ii) Assume all the powers, authority, responsibilities, and liabilities of the former district or commission.

(b) ***Division of public works; responsibility.*** The county may grant to a division of public works responsibility for the duties and functions that are deemed appropriate by the county, including the construction, maintenance, and control of the following:

(1) General county public works, buildings, publicly owned water and sewerage facilities, and capital projects;

(2) Roads, highways, bridges and streets, lanes, alleys, footways, and culverts;

(3) Water supply facilities and projects;

(4) Wastewater collection, treatment, and disposal facilities and projects;

(5) Solid waste collection, recycling, and disposal facilities and projects;

(6) Storm drainage, erosion, and sediment control facilities and projects;

(7) Lighting for roads, highways, alleys, and other public places; or

(8) Fire hydrants, mosquito control facilities and programs, and snow and ice removal.

(c) ***Authority to issue bonds.*** The County Commissioners shall assume all powers formerly given to a district or commission that has been abolished under this section, to issue bonds in accordance with Title 6 of this Code.

(d) ***Inconsistent laws.*** The powers granted to the County Commissioners, by virtue of succeeding to the powers of the district or commission, may be exercised notwithstanding the

existence of any public general law or public local law to the contrary which is in existence at the time the County Commissioners exercise the power granted by this section.

(e) ***Continuance of obligations.*** Upon abolition of a district created under Title 6 of this Code, all bonds, notes, bond anticipation notes and other certificates or evidences of indebtedness or obligations issued by the district and all contracts, agreements, indentures, pledges and other obligations made in connection with any of the foregoing shall become valid, legal, binding, and enforceable obligations of the county.

(f) ***Advisory authority.*** If the County Commissioners change, add to, abolish, or diminish the powers and purposes of a district under Title 6 of this Code, the County Commissioners may by resolution create and appoint an advisory authority. The County Commissioners by resolution shall determine the membership, terms of office, and scope of authority of the advisory authority. The advisory authority may consist of all or any of the former members of the commission or any other members as the County Commissioners deem necessary or desirable. The advisory authority may review and recommend rates, policies, and plans for the maintenance, design, construction, or establishment of any water, sewerage, or drainage system existing or to be constructed or established in Washington County. (1970 ed. sec. 25A-1; 1974, ch. 774; 1984, ch. 289; 1984 ed. sec. 1-602; 1991, ch. 211; 1995, ch. 86)

1-602. Recreation and Parks Board.

(a) ***Appointment; members.***

(1) There is a Recreation and Parks Board in Washington County.

(2) The Recreation and Parks Board consists of 7 members appointed by the County Commissioners. One of the members shall be a member of the County Commissioners serving ex officio.

(3) The term of a member of the Board is 3 years.

(4) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1984.

(5) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(6) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(7) Each member of the Board is entitled to compensation and reimbursement for expenses as provided in the annual budget.

(b) ***Property; powers.*** The County Commissioners may accept and acquire real and personal property suitable for the purposes and programs of the Recreation and Parks Board, and

may turn over that property to the use and administration of the Board. The County Commissioners may appropriate in the annual budget funds necessary to purchase land, construct improvements, and defray current expenses for the maintenance of the recreation and parks areas under the control of the Board and for the purposes and programs of the Board. Also, the County Commissioners may turn over public properties for these purposes and programs. The acquisition of property by the County Commissioners may be by purchase, condemnation, gift, grant, bequest, devise or lease, of the fee or any lesser interest, development right, easement, covenant, or other contractual right necessary for these purposes and programs. With the approval of the Recreation and Parks Board, the County Commissioners may lease, sell, convey, or otherwise dispose of the properties in accordance with the provisions of § 1-301 of this Code.

(c) **Purposes.** The purposes and programs of the Recreation and Parks Board include the preservation and use of real property, and of personal property which is appurtenant and adjunctive to it, as recreation and park areas. The Board may receive funds and properties provided for it, and shall administer and control the areas and properties deemed by it suitable and useful for these purposes and programs. (1961, ch. 197; 1970 ed. sec. 8-38; 1984, ch. 289; 1984 ed. sec. 1-603; 1991, ch. 211)

1-603. Transportation authority.

(a) **System authorized.** The County Commissioners may establish a public transportation system for Washington County.

(b) **Finances.** The County Commissioners may provide the money necessary to the establishment and implementation of the system either from taxes collected in the county or by borrowing sufficient sums.

(c) **Commission.** The Commissioners may create a transportation commission to operate the system and provide for its composition, compensation, powers, and authorities.

(d) **Grants of money.** The County Commissioners, or the transportation commission, may accept grants of money from any source to assist in the establishment and implementation of the public transportation system.

(e) **Tax exemption.** Any and all real and personal property (both tangible and intangible) and any and all right, title and interest in them, gross receipts, gross or net income, purchases, sales, franchises, licenses, operations, activities and functions, owned, or controlled or received, or made, or performed or carried on, by the authority shall be and remain totally exempt from all taxes, assessments, charges and fees of every kind, imposed, levied or made by the State of Maryland, any of its political subdivisions, or any agency or instrumentality of any of them.

(f) **Jurisdiction.** The public transportation system established under this section shall be under the jurisdiction of the County Commissioners and not under the jurisdiction of the Public Service Commission of Maryland. (1971, ch. 618; 1973, ch. 479; 1973, ch. 846; 1977, ch. 598; 1970 ed. sec. 8-41; 1984, ch. 289; 1984 ed. sec. 1-604; 1991, ch. 211)

1-604. Commission for Women.

(a) ***Appointment; members.***

- (1) There is a Commission for Women in Washington County.
- (2) The Commission for Women consists of 15 members appointed by the County Commissioners.
- (3)
 - (i) The term of a member is 3 years.
 - (ii) The terms of members are staggered as required by the terms provided for members of the Commission on July 1, 1987.
- (4) A member may be reappointed for one additional term.
- (5) At the end of a term, a member shall continue to serve until a successor is appointed and qualifies.
- (6) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(b) ***Officers; meetings; powers and duties.***

- (1) The Commission members shall elect a president, vice president, secretary, and treasurer.
- (2) The officers shall be elected at an annual meeting by Commission members for 1 year terms and may not serve for more than 3 consecutive terms.
- (3) The members of the Commission shall decide on the number of meetings of the Commission, except that the Commission shall meet at least once in July of each year.
- (4) Powers and duties shall include:
 - (i) Serve as a source of information and referral for women;
 - (ii) Identify, research, and help to find solutions to the problems of women and girls;
 - (iii) Promote the full and equal participation of women in work, government and society;
 - (iv) Strengthen home life by directing attention to critical problems confronting women as wives, mothers, homemakers and workers;

(v) Recommend methods of overcoming discrimination against women in public and private employment and encourage women to become candidates for public office; and

(vi) Secure appropriate recognition of women's accomplishments and contributions to Washington County.

(c) ***Statement of policy.***

(1) It is the public policy of Washington County:

(i) To eliminate discrimination or prejudice of any form that exists on account of sex;

(ii) To fully utilize the potential of each citizen, regardless of sex, in order to preserve our democratic way of life; and

(iii) To provide equal opportunities to all citizens, regardless of sex, in employment, education, home and community services, and before the law.

(2) The Commission shall have the full cooperation of all departments and agencies of the county in the performance of its duties.

(3) (i) The Commission members shall serve without compensation.

(ii) The County Commissioners shall budget funds for clerical assistance, stationery, and postage as necessary to assist the Commission in the normal performance of its duties. (1987, ch. 179; 1991, ch. 211)

1-605. Advisory body to Washington County Board of Health.

The County Commissioners of Washington County may establish an advisory body to the County Board of Health. The County Commissioners shall specify:

(1) The composition and functions of the advisory body;

(2) The qualifications and term of each member of the advisory body; and

(3) Any other matter necessary for the advisory body to carry out its functions. (1992, ch. 151)

1-606. Economic Development Commission.

(a) ***In general.*** The County Commissioners, by ordinance, may provide for the establishment, membership, procedures, powers, and duties of an Economic Development Commission.

(b) ***Funding.*** The County Commissioners may provide funding and any other support to the Economic Development Commission under any terms or conditions that the County Commissioners consider appropriate. (1996, ch. 78)

Subtitle 7. Drainage, Watershed, and Garbage

1-701. Drainage; sewage systems authorized.

The County Commissioners may establish, construct, and improve and generally regulate stormwater drainage, sanitary sewers, sewage disposal systems, and refuse disposal along the county roads, streets, alleys, and public rights of way in the county. (1957 Code, sec. 188; 1955, ch. 313; 1970 ed. sec. 8-22; 1984, ch. 289; 1984 ed. sec. 1-701; 1991, ch. 211)

1-702. Watershed projects.

The County Commissioners may:

(1) Carry out, construct, operate, and maintain any works of improvement for flood prevention or the conservation, development, utilization, and disposal of water in watershed or subwatershed areas qualifying for federal assistance under the provisions of the Watershed Protection and Flood Prevention Act, as amended, c. 656, Section 1, 68 Stat. 666 (1954), 16 U.S.C. 1001, hereinafter referred to as “the Watershed Act”.

(2) Have powers necessary to satisfy the conditions for federal assistance as are or may be required under the Watershed Act or any regulations issued pursuant to it by the United States or any of its agencies charged with its administration.

(3) Accept grants of money and technical assistance offered by the United States or any of its agencies pursuant to the Watershed Act.

(4) Borrow money from the United States or any of its agencies pursuant to the provisions of the Watershed Act for works of improvements on terms and conditions permitted by the Act or any regulations issued pursuant to it. They may evidence such borrowing by the issuance of instruments acceptable to the United States or any of its agencies, notwithstanding any provision or limitation of any public general or local law. (1971, ch. 168; 1970 ed. sec. 8-27A; 1984, ch. 289; 1984 ed. sec. 1-702; 1991, ch. 211)

1-703. Dumping garbage, rubbish; regulations.

The County Commissioners may adopt regulations to control, regulate, or prohibit the dumping of garbage, offal, rubbish, or any other offensive or unwholesome material or matter within the limits of any unincorporated area in the county, whenever in their judgment the

dumping has created or may create conditions dangerous to the public health or offensive to residents of the county. (1957 Code, sec. 193; 1951, ch. 435; 1970 ed. sec. 8-28; 1984, ch. 289; 1984 ed. sec. 1-703; 1991, ch. 211)

1-704. Recycling.

(a) ***In general.*** The County Commissioners, by ordinance, may regulate recycling in the county.

(b) ***Penalties authorized.*** The ordinance authorized under subsection (a) of this section may provide penalties for persons who place into recycling bins materials that are not recyclable. (2002, ch. 26)

Subtitle 8. Public Local Laws and Code Supplement

1-801. Publication of local laws.

The County Commissioners may advertise or publish the public local laws that were enacted at each session of the General Assembly relating to Washington County as they think desirable, with the advertisement to be in the newspaper or newspapers as the Commissioners determine. The Commissioners may also advertise or publish any reports or other matters which they may think necessary or desirable. (P.L.L., 1888, Art. 22, sec. 329; 1930, sec. 696; 1957 Code, sec. 509; 1874, ch. 32; 1945, ch. 225; 1970 ed. sec. 25-1; 1984, ch. 289; 1984 ed. sec. 1-901; 1991, ch. 211)

1-802. Code supplement.

The County Commissioners shall have prepared and published, or contract for the preparation and publication, of a supplement to or new edition of the Code of Public Local Laws of Washington County. The supplement or new edition may be published as often as the County Commissioners deem necessary. (1975, ch. 248, sec. 8-43; 1970 ed. sec. 8-46; 1984, ch. 289; 1984 ed. sec. 1-902; 1991, ch. 211; 1997, ch. 475)

Subtitle 9. Collective Bargaining

[Abrogated June 30, 1999, Ch. 689, 1997]

Subtitle 10. Regulation of Noise

1-1001. Noise ordinance authorized.

(a) ***In general.*** Subject to § 3-105 of the Environment Article of the Annotated Code of Maryland and subsection (b) of this section, the County Commissioners, by ordinance, may adopt environmental noise standards, sound level limits, and noise controls as necessary to protect the public health, the general welfare, and property.

(b) ***Limitations.*** Any ordinance adopted by the County Commissioners under subsection (a) of this section does not apply to police or fire and rescue vehicles or watercraft. (1997, ch. 473)

Subtitle 11. Right to Farm

1-1101. Right to Farm ordinance authorized.

(a) ***In general.*** Subject to the provisions of subsection (b) of this section, the County Commissioners may adopt an ordinance or regulation, or take any other action that the County Commissioners consider necessary, to protect a person's right to farm or engage in agricultural or forestry operations.

(b) ***Notice and public hearing requirements.*** Before adopting an ordinance or regulation, or taking other action under subsection (a) of this section, the County Commissioners shall hold a public hearing and provide reasonable notice of the hearing. (1999, ch. 442)

Title 2. Fiscal Officers and Issues

Subtitle 1. County Treasurer

- 2-101. County Treasurer; bond for taxes.
- 2-102. Same; election, tenure.
- 2-103. Collection of taxes.
- 2-104. Same; bank deposits.
- 2-105. Collection of taxes by banks and others.

Subtitle 2. Auditor [Repealed 1998, Ch. 96]

Subtitle 3. Office of Budget and Finance

- 2-301. Office established; County Finance Officer.
- 2-302. Organization of financial functions.
- 2-303. Revenues and appropriations.
- 2-304. Capital budget and capital program.

Subtitle 4. Tax Collector

- 2-401. Tax Collectors; money paid to successor.
- 2-402. Tax Collectors; records.
- 2-403. Collector to make payments by warrant.
- 2-404. Collector's monthly reports.
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Subtitle 5. Annual Budget and Levy

- 2-501. County budget requirements.
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- 2-601. Borrowing power for current deficits.
- 2-602. Borrowing authority.

Subtitle 7. Taxes

- 2-701. Building Excise Tax.
- 2-702. Transfer Tax.

Subtitle 1. County Treasurer

2-101. County Treasurer; bond for taxes.

(a) **County Treasurer.** Upon taking office, the County Treasurer shall give bond to the State of Maryland in the penalty of \$100,000, either with some bonding or trust company doing business in the State of Maryland and authorized by the laws of Maryland to act as surety on official bonds, or with individuals as sureties on the bonds. The bonds shall be approved by the County Commissioners with the condition that “if the above bounden shall well and faithfully execute his office, and shall account for and pay to the County Commissioners the money received by him for or on account of taxes placed in his hands for collection, or for which he is answerable, when and at the times required by law, then this obligation shall be void; otherwise it shall remain in full force and virtue in law”.

(b) **Maryland bond.** The County Treasurer also shall give a separate bond to the State of Maryland in a penalty to be fixed in accordance with the provisions of § 4-102 of the Tax - Property Article. (P.L.L., 1930, Art. 22, sec. 803; 1957 Code, sec. 697; 1902, ch. 8; 1927, ch. 204; 1931, ch. 338; 1933, ch. 555, sec. 803; 1970 ed. sec. 36-1; 1984, ch. 289; 1984 ed. sec. 2-101; 1991, ch. 211)

2-102. Same; election, tenure.

(a) **Election.** A County Treasurer shall be elected by the voters who [and] shall hold office for 4 years from the first day of January following the election of the County Treasurer and until a successor in office is duly elected and qualified.

(b) **Removal.** The County Treasurer shall be removed from office by the Governor for incompetency, willful neglect of duty or misdemeanor in office, or conviction in a court of law.

(c) **Vacancy.** In case of a vacancy in the office, the Governor shall fill the vacancy as soon as practicable by appointment of some person having the requisite qualifications, who shall hold office for the remainder of the term and who shall be subject to removal for the same causes set forth in this section.

(d) **Age; residency.** The County Treasurer shall be at least 25 years old and a resident of Washington County at least 5 years immediately preceding the election or appointment. (P.L.L., 1930, Art. 22, sec. 804; 1957 Code, sec. 698; 1914, ch. 130; 1918, ch. 345; 1933, ch. 555, sec. 804; 1941, ch. 402; 1943, ch. 470; 1947, ch. 904; 1959, ch. 209; 1970 ed. sec. 36-2; 1984, ch. 289; 1984 ed. sec. 2-102; 1991, ch. 211)

2-103. Collection of taxes.

(a) **Collector of taxes.** The County Treasurer is the Collector of all State and county taxes and shall perform and fulfill all the duties and functions and be subject to all the

obligations, requirements, and limitations that are defined, imposed, or required by any law upon the Collector for Washington County, for the collection of State and county taxes.

(b) ***Remedies available.*** All rights, remedies and actions provided for the collection of taxes by any law are available to the County Treasurer for the purpose of enforcing payment of State and county taxes. (P.L.L., 1930, Art. 22, sec. 804; 1957 Code, sec. 698; 1914, ch. 130; 1918, ch. 345; 1933, ch. 555, sec. 804; 1941, ch. 402; 1943, ch. 470; 1947, ch. 904; 1959, ch. 209; 1970 ed. sec. 36-2A; 1984, ch. 289; 1984 ed. sec. 2-103; 1991, ch. 211)

2-104. Same; bank deposits.

(a) ***Deposit of funds.*** The County Treasurer promptly shall deposit all money received by the County Treasurer and collected in some bank or banking institution in Hagerstown. The place of deposit shall be approved by the County Commissioners.

(b) ***Depository selection.*** In approving the place of deposit the Commissioners shall prefer the bank or banking institution which agrees to pay the highest rate of interest on daily balances of deposits. If 2 or more banks or banking institutions agree to pay the same rate of interest on deposits and the rate of interest is the highest rate of interest offered by a bank or banking institution as required, the Commissioners may prefer one of the banks or banking institutions offering the highest rate of interest and approve it.

(c) ***Bond.*** The County Commissioners may require the bank or banking institution in which the deposits are placed to give bond or deposit securities, to be approved by the County Commissioners, for the faithful performance of its trust. (P.L.L., 1930, Art. 22, sec. 805; 1957 Code, sec. 701; 1914, ch. 319; 1933, ch. 555; 1970 ed. sec. 36-3; 1984, ch. 289; 1984 ed. sec. 2-104; 1991, ch. 211)

2-105. Collection of taxes by banks and others.

(a) ***Authorization of Treasurer; bond.*** The County Commissioners may authorize the County Treasurer to arrange with commercial banks and savings and loan associations to collect State and county real estate and personal property taxes on behalf of the Treasurer. The County Commissioners may require that a responsible official of a commercial bank or a savings and loan association, which arranges to collect taxes under this section, give bond in amount and form provided by the County Commissioners.

(b) ***Conditions and restrictions.*** Arrangements with commercial banks and savings and loan associations to collect taxes under this section shall be subject to any additional conditions and restrictions which the County Treasurer considers appropriate, including accounting, issuance of receipts, remittance, and commissions.

(c) ***Payment of taxes.*** Upon the payment of any State or county real estate or personal property taxes to a commercial bank or a savings and loan association authorized under this section to accept taxes, the taxes owing to the State or county are paid. (1970 ed. sec. 36-19A; 1977, ch. 836; 1984, ch. 289; 1984 ed. sec. 2-221; 1988, ch. 170; 1991, ch. 211)

Subtitle 2. Auditor

[Repealed 1998, Ch. 96]

Subtitle 3. Office of Budget and Finance

2-301. Office established; County Finance Officer.

The County Commissioners shall establish the Office of Budget and Finance. They shall appoint a County Finance Officer who is the director of the Office of Budget and Finance for the purpose of assisting the County Commissioners in the preparation and administration of county budgets and other accounting and fiscal matters the County Commissioners deem necessary. (1970 ed. sec. 8-43; 1974, ch. 825, sec. 8-42; 1977, ch. 149, sec. 8-43A; 1984, ch. 289; 1984 ed. sec. 2-301; 1991, ch. 211)

2-302. Organization of financial functions.

Notwithstanding any provision of the public local law to the contrary, the County Commissioners may organize, assign, and reassign the functions of budgeting, accounting, purchasing, disbursing, investing, debt management, and data processing to the Office of Budget and Finance and among other county employees, officers and units of organization. (1974, ch. 825, sec. 8-42A; 1970 ed. sec. 8-44; 1984, ch. 289; 1984 ed. sec. 2-302; 1991, ch. 211)

2-303. Revenues and appropriations.

(a) ***Justification for funds.*** Any department, board, commission, agency, court, private organization, corporation, or individual:

(1) That seeks county funds shall submit to the County Commissioners the justification, financial data, or other information they require; and

(2) After the expenditure of the appropriation, if any, shall submit the information or be subject to an audit, as directed by the County Commissioners.

(b) ***Revenues and appropriations.*** All revenues and other receipts due the county or its agencies shall be paid into the county treasury into the appropriate fund. Money may not be drawn from the county treasury except in consequence of an appropriation made in accordance with law. (1974, ch. 825, sec. 8-42B; 1970 ed. sec. 8-45; 1984, ch. 289; 1984 ed. sec. 2-303; 1991, ch. 211)

2-304. Capital budget and capital program.

(a) ***Established.*** The Office of Budget and Finance shall establish a capital budget and capital program, which clearly shall set forth the plan of proposed capital projects to be undertaken in the ensuing fiscal year and the next 5 fiscal years and the proposed means of

financing them. The capital budget shall include a statement of the receipts anticipated during the ensuing fiscal year from all borrowing and from other sources for capital projects.

(b) **Funding.** When the capital budget and capital program provides for an expenditure of an amount for a capital project in the ensuing fiscal year, funds for that amount shall be designated for that project. If any part of the funds designated is not spent during the ensuing fiscal year, the amount not spent may not be deleted for the purpose of balancing the budget or used for any other purpose except upon the express authority of the County Commissioners. (1977, ch. 149; 1970 ed. sec. 8-45A; 1984, ch. 289; 1984 ed. sec. 2-304; 1991, ch. 211)

Subtitle 4. Tax Collector

2-401. Tax Collectors; money paid to successor.

(a) **Warrant.** A warrant may not be drawn on any Tax Collector after a successor has qualified.

(b) **Retiring Collector.** All money in the hands of the retiring Tax Collector shall be immediately paid over to the succeeding Tax Collector, after the succeeding Tax Collector has qualified, who shall receive and credit it to the several accounts for which it has been collected. The retiring Tax Collector shall collect the unpaid taxes due for the year of the Tax Collector's appointment, and pay them to the incumbent Tax Collector, who shall receive and credit them to the several accounts for which they were levied. (P.L.L., 1930, Art. 22, sec. 150; 1957 Code, sec. 181; 1914, ch. 94, sec. 101B; 1970 ed. sec. 8-15; 1984, ch. 289; 1984 ed. sec. 2-401; 1991, ch. 211)

2-402. Tax Collectors; records.

The Tax Collector shall:

(1) Enter on books kept for the purpose accounts of all taxes to be collected by the Tax Collector, with the names of the owners of the property taxed, the particulars of the taxes, and the rate and amount due;

(2) Place, with proper dates, all credits, whether for money received, transfers, insolvencies, discounts, or abatements; and

(3) Enter alphabetically on the Tax Collector's ledger the entire account of each taxpayer in one place, so that the whole may be seen and examined by the several persons to whom the property is assessed. (P.L.L., 1888, Art. 22, sec. 103; 1930, sec. 152; 1957 Code, sec. 182; 1878, ch. 3; 1970 ed. sec. 8-16; 1984, ch. 289; 1984 ed. sec. 2-402; 1991, ch. 211)

2-403. Collector to make payments by warrant.

All orders or warrants drawn on the Tax Collector by the County Commissioners shall be signed by the President of the Board and County Clerk, except those issued to pay persons the money specifically levied for their use, which latter orders or warrants shall be signed by the County Clerk. The Tax Collector may not make any payments whatever, except by order or warrant drawn by the Commissioners and signed as required, or except by the order of the Clerk of the Circuit Court for the county, for the payment of witnesses, jurors, talesmen, court crier, and bailiffs of the court. Each order or warrant shall state the purpose for which it is given, and shall embrace but one class of expenditure. (P.L.L., 1888, Art. 22, sec. 104; 1930, sec. 153; 1957 Code, sec. 183; 1878, ch. 3; 1970 ed. sec. 8-17; 1984, ch. 289; 1984 ed. sec. 2-403; 1991, ch. 211)

2-404. Collector's monthly reports.

On the first Tuesday of each month the Tax Collector shall report to the County Commissioners both the principal and interest collected and the amount of money the Tax Collector has paid out on orders or warrants during the month just passed. (P.L.L., 1888, Art. 22, sec. 105; 1930, sec. 155; 1957 Code, sec. 184; 1878, ch. 3; 1970 ed. sec. 8-18; 1984, ch. 289; 1984 ed. sec. 2-404; 1991, ch. 211)

2-405. Papers to be public records.

All documents, books, and papers belonging to the office of the Tax Collector are the property and records of Washington County, and at all times shall be subject to the examination of the grand jury and the County Commissioners of the county. (P.L.L., 1888, Art. 22, sec. 106; 1930, sec. 156; 1957 Code, sec. 185; 1880, ch. 415; 1908, ch. 718 (p. 1035); 1970 ed. sec. 8-19; 1984, ch. 289; 1984 ed. sec. 2-405; 1991, ch. 211)

2-406. Books to be deposited with Clerk of Court.

Upon the expiration of the Tax Collector's term of office, the Tax Collector shall deposit with the Clerk of the Circuit Court for Washington County all books and papers belonging to the Tax Collector's office in which the accounts of collections and disbursements are made and entered. (P.L.L., 1888, Art. 22, sec. 107; 1930, sec. 157; 1957 Code, sec. 186; 1878, ch. 3; 1970 ed. sec. 8-20; 1984, ch. 289; 1984 ed. sec. 2-406; 1991, ch. 211)

2-407. Collector's compensation; final settlement.

(a) **Compensation.** The Tax Collector may not retain for the Tax Collector's own salary any part of the principal or interest of the taxes collected by the Tax Collector, other than a sum that the County Commissioners designate, upon the receipt of the statement directed to be made monthly to them by the Tax Collector.

(b) **Money retained.** The County Commissioners, in designating what money the Tax Collector may retain monthly, shall fix the sum as will bear the same proportion to the Tax Collector's entire salary that the amount of taxes collected and reported by the Tax Collector bears to the whole amount of taxes levied.

(c) **Payment.** On the final settlement with the Tax Collector, the County Commissioners shall authorize the payment to the Tax Collector of the balance of the salary due the Tax Collector. (P.L.L., 1888, Art. 22, sec. 108; 1930, sec. 158; 1957 Code, sec. 187; 1878, ch. 3; 1970 ed. sec. 8-21; 1984, ch. 289; 1984 ed. sec. 2-407; 1991, ch. 211)

Subtitle 5. Annual Budget and Levy

2-501. County budget requirements.

(a) **Total proposed appropriations.** As submitted to the County Commissioners, the annual budget shall have a figure for the total of all proposed appropriations and a figure for the total of all estimated revenues available to pay the appropriations. The figure for total proposed appropriations may not exceed the figure for total estimated revenues.

(b) **Amendments.** In amending the budget bill, the County Commissioners may not cause the figure for total proposed appropriations to exceed the figure for total estimated revenues, including any revisions, and in the budget as enacted, the figure for total estimated revenues always shall be equal to or exceed the figure for total appropriations.

(c) **Surplus.** The only surplus of unexpended funds which can be used to balance the annual budget is a surplus confirmed by audit.

(d) **Cash Reserves.** The County Commissioners may maintain cash reserves in accordance with generally accepted principles of governmental accounting. (1976, ch. 231; 1970 ed. sec. 8-45B; 1984, ch. 289; 1984 ed. sec. 2-501; 1991, ch. 211; 2001, ch. 260)

2-502. Levy; restrictions.

(a) **Levy.** When the County Commissioners make their levy, it may not be made in gross but shall designate the particular uses for which it is to be expended. The County Commissioners shall specify what percent is to be levied for school purposes, what percent for bonded indebtedness of the County, what percent for court purposes, what percent for road purposes, and what percent for each particular Department or program for which expenditure is to be made.

(b) **Maximum levy.** In any one year, the County Commissioners may not levy on the assessable property of the County more than 5 cents on the \$100 for general purposes, which latter shall include all matters not embraced under any of the particular or specified Departments or programs. The money levied for one purpose may not be expended for any other purpose. (P.L.L., 1888, Art. 22, sec. 101; 1930, sec. 149; 1957 Code, sec. 179; 1878, ch. 3; 1914, ch. 94, sec. 101; 1970 ed. sec. 8-13; 1984, ch. 289; 1984 ed. sec. 2-502; 1991, ch. 211)

Subtitle 6. Deficit Financing

2-601. Borrowing power for current deficits.

(a) ***Borrowing power.*** Whenever the amount of revenue collected is insufficient to meet the current expenses required to be paid, the County Commissioners may borrow on the faith and credit of Washington County. A note or notes of the County Commissioners may be issued for the indebtedness, and the note or notes shall be signed by the President of the County Commissioners and certified by the Clerk of the County Commissioners as to the date of approval for the borrowing. The approval shall be made by a motion approved by the County Commissioners at a regularly scheduled meeting, subject to the following limitations:

(1) ***Maturity.*** A tax anticipation note may not mature later than 6 months from its date of issue.

(2) ***Maximum sum.*** A tax anticipation note may not be issued for a sum in excess of the estimated current fiscal year's cumulative cash flow deficit plus 1 month's estimated expenditures.

(3) ***Rate of interest.*** The rate of interest on tax anticipation notes shall be determined by the County Commissioners. The interest on tax anticipation notes may be paid in installments and at maturity of the notes.

(b) ***Additional requirements.*** In addition to other provisions of this section, tax anticipation notes shall be issued under the following conditions:

- (1) A date of issue shall be stated;
- (2) A date of maturity shall be stated;
- (3) The amount payable in installment and at maturity shall be stated;
- (4) The time and place for payment shall be stated;
- (5) One of the places for payment shall be within the State of Maryland; and
- (6) The denominations shall be stated and need not be uniform.

(c) ***Monthly estimate.*** Before the issuance of tax anticipation notes, the Director of Finance shall make a careful monthly estimate of the money to be received and disbursed over the next 6 month period. This estimate shall take account of the following factors:

- (1) Past collection and disbursement;
- (2) Anticipated collection and disbursements;

(3) Current economic conditions;

(4) Federal funds available, but only if the tax anticipation notes are in reliance of a federal sponsored program; and

(5) Commitments of funds to debts or any other program which limit the use of new or old funds of the county.

(d) **Low bidder.** Tax anticipation notes may be sold to the lowest responsible bidder as determined, based on sealed proposals, by the County Commissioners. The sale shall take place at a regularly scheduled meeting of the County Commissioners.

(e) **Prohibition.** A tax anticipation note may not be issued if the total proposed appropriations exceed the total estimated revenue.

(f) **Validity conditioned.** A tax anticipation note is not valid or obligatory unless the original purchaser is given certified copies of the authorizing and awarding resolution, the estimate of taxes and revenues to be collected, and the signed note or notes.

(g) **First lien.** All tax anticipation notes shall be secured by a first lien on the taxes or other revenues received by Washington County between the first day of the month following the date of delivery and the stated maturity date.

(h) **Sinking fund.**

(1) Unless the County Commissioners decide otherwise and the decision is stated in the tax anticipation notes, a percentage of money collected shall be placed in a sinking fund under the conditions specified in paragraphs (2) through (4) of this subsection.

(2) The amount shall be 85 percent or the percentage of the amount borrowed to the anticipated taxes and other revenue at that point in time. In either case, in addition to these amounts, the percentage of the interest due, in installments and at maturity, to the anticipated revenue shall be included.

(3) The sinking fund shall be added to until the amount held in the sinking fund, and any interest earned, equals the principal and interest which must be paid at the date of maturity of the tax anticipation note.

(4) The sinking fund shall be held by a bank or bank and trust company authorized to do business in the State of Maryland as a sinking fund depository. (1957 Code, sec. 180; 1933, ch. 3; 1945, ch. 860; 1970 ed. sec. 8-14; 1976, ch. 115; 1977, ch. 32, sec. 14(e), (g), (h), and (j); 1984, ch. 289; 1984 ed. sec. 2-601; 1991, ch. 211)

2-602. Borrowing Authority.

The County Commissioners may borrow, on the credit of the County, on promissory notes, sums of money not to exceed \$5,000,000 in any one fiscal year for the purpose of paying any expenses or obligations of the County, even though no specific legislative authority to make the particular loan has been first obtained. (1999, ch. 440)

Subtitle 7. Taxes

2-701. Building Excise Tax.

(a) *Authorized.*

(1) The County Commissioners of Washington County, by ordinance, may fix, impose, and collect a building excise tax on any building construction within Washington County.

(2) The County Commissioners may collect a building excise tax on building construction within Washington County prior to the date an initial building permit is issued for that building construction.

(b) *Required contents.*

(1) The County Commissioners shall specify in the ordinance the:

(i) Types of building construction subject to the building excise tax;
and

(ii) Tax rates.

(2) (i) For nonresidential building types, the County Commissioners may impose a building excise tax not to exceed \$5 per square foot.

(ii) The County Commissioners may impose different rates or waive the building excise tax for different nonresidential building types and uses.

(3) Except as provided in paragraph (5) of this subsection, for single-family residential units, the County Commissioners may impose a building excise tax not to exceed \$13,000 per unit.

(4) Except as provided in paragraph (5) of this subsection, for multifamily residential units, the County Commissioners may impose a building excise tax rate not to exceed \$15,500 per unit.

(5) (i) This paragraph applies to the development of a single subdivision that has more than 25 residential units.

(ii) The County Commissioners may impose a building excise tax for single-family residential units and multifamily residential units developed in a subdivision described under subparagraph (i) of this paragraph that does not exceed twice the building excise tax set under paragraph (3) or (4) of this subsection, if the development of the subdivision:

1. Is in a school district where a school is at or above 85% of the state rated school capacity;

2. Causes the roads or intersection within 1 centerline mile in any direction of any new street connecting the subdivision to be lower than a level of service D; or

3. Causes the intersections outside of the urban and town growth areas to be lower than a level of service C.

(b-1) For fiscal year 2008 only:

(1) The limitations on the building excise tax under subsections (b)(2), (3), (4), and (5) of this section do not apply; and

(2) Any excise tax imposed by the County Commissioners:

(i) May be based on the square footage of construction; and

(ii) May be imposed based on increasing graduated rates for increased square footage of construction.

(c) ***Uses of building excise tax revenues.***

(1) The County Director of Finance shall deposit the revenues from the building excise tax into a special, nonlapsing fund.

(2) The revenues deposited in the special fund that are generated by the building excise tax imposed on nonresidential building types may only be used for:

(i) Primary, secondary, or higher education capital expenditures;

(ii) Public safety capital expenditures;

(iii) Public infrastructure projects; and

(iv) Debt reduction related to capital improvements expenditures.

(3) The revenues from the building excise tax imposed on single-family residential units or multifamily residential units may only be used as follows:

- (i) 70% for schools;
- (ii) 23% for roads;
- (iii) 2% for public libraries; and

(iv) 5% for parks and recreational facilities, public safety, water and sewer infrastructure, and agricultural land preservation.

(4) (i) The revenues from the building excise tax imposed on single-family residential units and multifamily residential units used for public libraries, water and sewer infrastructure, and parks and recreation may only be used for the capital costs of public works, improvement, and facilities.

(ii) The revenues from the building excise tax imposed on single-family residential units and multifamily residential units used for schools may only be used for the capital costs that primarily provide additional capacity required to accommodate new construction or development.

(5) At the end of the fiscal year, any unspent or unencumbered balance in the special fund shall remain in the fund available for use in future fiscal years for purposes specified in this subsection and does not revert to the general fund of Washington County.

(d) ***Applicability of tax to municipal corporations.***

(1) (i) This paragraph applies to a municipal corporation within Washington County that has not adopted an adequate public facilities ordinance with school adequacy tests substantially similar to or more stringent than the adequate public facilities ordinance adopted by the County Commissioners.

(ii) A municipal corporation described in subparagraph (i) of this paragraph shall assist the county commissioners in the collection of the building excise tax within the municipal corporation by:

1. Collecting and remitting the tax to the County; or
2. Requiring the tax to be paid to the County Commissioners in accordance with the terms of the County ordinance.

(2) (i) This paragraph applies to a municipal corporation within Washington County that has adopted an adequate public facilities ordinance with school adequacy tests substantially similar to or more stringent than the adequate public facilities ordinance adopted by the County Commissioners.

(ii) For each single-family residential unit or multifamily residential unit that is within a municipal corporation described in subparagraph (i) of this paragraph, the municipal corporation:

1. Shall assist the County Commissioners in the collection of that portion of the building excise tax that is dedicated to schools and public libraries as provided under subsection (c)(3) of this section, by collecting and remitting that amount of the tax to the County; and

2. May retain the remaining portion of the building excise tax.

(iii) For each nonresidential building type that is within a municipal corporation of Washington County, the municipal corporation:

1. Shall assist the County Commissioners in the collection of 72% of the building excise tax on each nonresidential building type by collecting and remitting that amount of the tax to the County; and

2. May retain the remaining portion of the building excise tax.

(iv) 1. The municipal corporation is not required to retain any portion of the building excise tax as provided under subparagraph (ii)2 or (iii)2 of this paragraph.

2. Any portion of the building excise tax not retained by a municipal corporation under item 1 of this subparagraph shall be remitted to the County.

(v) 1. The director of finance of a municipal corporation retaining any revenue from the building excise tax under subparagraph (ii)2 or (iii)2 of this paragraph shall deposit the revenues into a nonlapsing special fund.

2. The revenues from the municipal corporation's special fund may only be used for the capital costs of public works, improvements, and facilities required to accommodate:

- A. Roads;
- B. New construction or development of parks and recreational facilities;
- C. New construction or development of water and sewer infrastructure; and
- D. New construction or development of public safety.

(vi) At the end of a fiscal year, any unspent or unencumbered balance in the municipal corporation's special fund shall remain in the fund available for use in future fiscal years for purposes specified in subparagraph (iv)2 of this paragraph and does not revert to the general fund of the municipal corporation.

(e) ***Agricultural land preservation.*** Each fiscal year, the County Commissioners shall encumber at least \$1,000,000 of local funds for agricultural land preservation.

(f) ***Exemptions.***

(1) The building excise tax does not apply to construction intended to be actively used for farm or agricultural use so long as the construction continues to be actively used for farm or agricultural use.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the building excise tax does not apply to the first 50,000 square feet of nonresidential addition construction.

(ii) The exemption under subparagraph (i) of this paragraph may not apply more than once to the same building in any 5-year period.

(3) The County Commissioners may provide for additional exemptions to the building excise tax, including individual exemptions for specific construction projects on request.

(g) ***Workforce housing credit.***

(1) (i) The County Commissioners by ordinance shall grant a building excise tax credit against the Washington County building excise tax imposed on single-family residential units and multifamily residential units that are developed as workforce housing.

(ii) The County Commissioners by ordinance shall define workforce housing based on the average family median income in Washington County.

(2) The County Commissioners shall provide, by law, for:

(i) The amount and duration of the building excise tax credit under this section; and

(ii) Any other provisions necessary to carry out the building excise tax credit under this subsection.

(3) (i) A municipal corporation within Washington County may grant a building excise tax credit against the Washington County building excise tax imposed on single-family residential units and multifamily residential units that are developed within the municipal corporation as workforce housing.

(ii) The amount of the building excise tax credit under this paragraph may not exceed the amount retained under subsection (d)(2)(ii)2 of this section and shall be offset against that amount.

(iii) The duration of the building excise tax credit and any other provisions necessary to carry out the building excise tax credit shall be in accordance with any ordinance passed by the County Commissioners under paragraph (2) of this subsection.

(h) ***Report by municipal corporations.***

(1) On or before September 30 of each year, each municipal corporation that retains revenues under subsection (d)(2) of this section shall report annually to the County Commissioners:

(i) The amount of revenues the municipal corporation received and the number of single-family residential units and multifamily residential units that generated these revenues;

(ii) The amount of revenues remitted to the County Commissioners and the amount retained by the municipal corporation; and

(iii) A detailed accounting of how the revenues that were retained by the municipal corporation were distributed among the acceptable uses specified in subsection (d)(2)(iii) of this section and the specific projects for which the revenues were used.

(2) The report prepared by each municipal corporation shall be based on the fiscal year ending on June 30 of the year the report is submitted.

(i) ***Report by County Commissioners.***

(1) On or before December 31 of each year, the County Commissioners shall:

(i) Report to the members of the Washington County legislative delegation:

1. The amount of revenues by school district that the County Commissioners received from nonresidential building types, single-family residential units, and multifamily residential units, and the number and type of units that generated these revenues;

2. A detailed accounting of how the revenues were distributed among the acceptable uses specified in subsection (c) of this section and the specific projects for which the revenues were used; and

3. The total number of requests for individual exemptions from the building excise tax under subsection (f)(2) of this section, the number of exemption

requests denied, and for each project for which an individual exemption is granted, the name of the owner or developer of the project and the name, address, and description of the project; and

(ii) Submit to members of the Washington County legislative delegation:

1. The report prepared by each municipal corporation under subsection (h) of this section; and

2. A report on the status of the building excise tax credit provided under subsection (f) of this section.

(2) The reports prepared by the County Commissioners shall be based on the fiscal year ending on June 30 of the year the reports are submitted. (2003, ch. 468; 2004, ch. 398; 2005, ch. 598; 2006, ch. 204; 2007, ch. 277)

2-702. Transfer Tax.

(a) *Instrument of writing defined.*

(1) In this section “instrument of writing” means a written instrument that conveys title to, or a leasehold interest in, real property.

(2) “Instrument of writing” includes:

(i) A deed or contract;

(ii) A lease;

(iii) An assignment of a lessee’s interest;

(iv) Articles of transfer;

(v) Articles of merger or other document which evidences a merger of foreign corporations or foreign limited partnerships; and

(vi) Articles of consolidation or other document which evidences a consolidation of foreign corporations.

(3) “Instrument of writing” does not include:

(i) A mortgage, deed of trust, or other contract that creates an encumbrance on real property; or

(ii) A security agreement, as defined in § 12-101(e) of the Tax - Property Article of the Annotated Code of Maryland.

(b) ***Transfer tax on instrument of writing authorized.***

(1) Subject to paragraph (2) of this subsection, the County Commissioners may fix and impose, by ordinance, a transfer tax on an instrument of writing:

(i) Recorded with the Clerk of the Circuit Court for Washington County; or

(ii) Filed with the Maryland Department of Assessments and Taxation.

(2) The County Commissioners may not impose a transfer tax unless the County imposes a building excise tax as authorized under § 2-701 of this subtitle.

(c) ***Tax rate.*** The transfer tax rate under this section:

(1) Shall be established by ordinance; and

(2) May not exceed:

(i) 0.5% for a fiscal year beginning after June 30, 2003, but before July 1, 2008; and

(ii) 1% for any fiscal year beginning after June 30, 2008.

(d) ***Uses of transfer tax revenue.***

(1) The County Director of Finance shall deposit the revenues from the transfer tax into a special fund.

(2) Except as provided in paragraph (3) of this subsection, the revenues from the transfer tax may be used only for:

(i) School renovation and construction;

(ii) Primary, secondary, or higher education capital expenditures;

(iii) Public safety, including grants and loans to volunteer fire and rescue companies for capital expenditures;

(iv) Transportation projects; and

(v) Debt reduction.

(3) For each fiscal year, at least \$400,000 of the revenues from the transfer tax shall be used for agricultural land preservation and other measures to enhance the viability of

agriculture in Washington County, including the purchase of easements and transferable development rights using installment purchase agreements.

(e) ***Exemptions.***

(1) The transfer tax does not apply to:

(i) An instrument of writing exempt from the State transfer tax under § 13-207 of the Tax - Property Article of the Annotated Code of Maryland; or

(ii) A transfer of land subject to the agricultural land transfer tax under Title 13, Subtitle 3 of the Tax - Property Article of the Annotated Code of Maryland.

(2) The County Commissioners may provide for additional exemptions to the transfer tax, including, but not limited to, exemptions for:

(i) First-time home buyers;

(ii) Seniors who are moving into less expensive housing;

(iii) Promoting affordable housing; and

(iv) Redevelopment of properties inside the urban growth areas of the county. (2003, ch. 468; 2004, ch. 398)

Title 3. Courts and Legal Officers

Subtitle 1. State's Attorney

- 3-101. State's Attorney's office; duties.
- 3-102. Bureau of Identification and Criminal Investigation.
- 3-103. Same; stenographer.

Subtitle 2. Sheriff

- 3-201. Sheriff's allowance for prisoners; expenses.
- 3-202. Sheriff's return to Clerk of Court.

Subtitle 3. Bailiffs

- 3-301. Repealed.

Subtitle 4. Orphans' Court

- 3-401. Sessions.
- 3-402. Levy for salary; payment.

Subtitle 5. Bar Library

- 3-501. Payments for bar library.

Subtitle 6. Attorneys

- 3-601. Definitions.
- 3-602. Attorney representing agency.
- 3-603. Attorney being a member of agency.

Subtitle 1. State's Attorney

3-101. State's Attorney's office; duties.

The State's Attorney, the Deputy State's Attorney, or an Assistant State's Attorney shall be in attendance and available to the District Court for Washington County at all times requisite for prosecuting cases, consulting with the court, and rendering other services as are connected with, or in furtherance of, the performance of the duties of the office of State's Attorney or otherwise mandated for the State's Attorney of Washington County. (1970 ed. sec. 32-3; 1973, ch. 142, sec. 32-3; 1984, ch. 289; 1984 ed. sec. 3-101; 1991, ch. 211)

3-102. Bureau of Identification and Criminal Investigation.

(a) ***Bureau of Identification and Criminal Investigation.***

(1) The State's Attorney for Washington County shall maintain a Bureau of Identification and Criminal Investigation.

(2) Subject to the approval of the County Commissioners, the State's Attorney shall employ a competent person at a salary fixed by the County Commissioners to conduct the work of the Bureau. That person shall be capable of doing fingerprint, photographic, criminal investigation, and detective work. Under the direction and supervision of the State's Attorney, the person shall devote so much of the person's time as the State's Attorney directs to criminal identification and criminal investigation work in Hagerstown and Washington County.

(b) ***Expenses.*** The County Commissioners also shall pay printing, stationery, telephone, stamps, traveling expenses, and other expenses that are necessary for the maintenance of the Bureau and shall budget for them as expenses of the State's Attorney's office.

(c) ***Bills.*** Bills for all expenses of the Bureau shall be presented directly to the County Commissioners for their payment. The bills shall be made out and sworn to on forms regularly used by the County Commissioners and shall be certified to by the State's Attorney. Any false swearing in the affidavits is perjury and shall be punished as such. (P.L.L. 1930, Art. 22, sec. 798; 1957 Code, sec. 684; 1929, ch. 270; 1933, ch. 112; 1939, ch. 483; 1949, ch. 285; 1970, ch. 67; 1970 ed. sec. 32-1; 1973, ch. 142, sec. 32-1; 1984, ch. 289; 1984 ed. sec. 3-102; 1991, ch. 211)

3-103. Same; stenographer.

Subject to the approval of and at salaries set by the County Commissioners, the State's Attorney shall employ competent persons to perform the necessary stenographic and clerical work in the office of the State's Attorney and Criminal Investigator for Washington County, with the work to be done under the direction and supervision of the State's Attorney. The County Commissioners shall pay salaries in weekly installments to the persons employed by the State's Attorney and shall budget for them as expenses of the State's Attorney's office. (1957 Code, sec. 685; 1943, ch. 642; 1949, ch. 115; 1970 ed. sec. 32-2; 1973, ch. 142; 1984, ch. 289; 1984 ed. sec. 3-103; 1991, ch. 211)

Subtitle 2. Sheriff

3-201. Sheriff's allowance for prisoners; expenses.

(a) ***Allowance.*** The Sheriff shall receive funds as specified in the annual county budget for keeping each prisoner who is confined in the county jail. The County Commissioners shall allocate funds for necessary fuel for the jail and the attached house. The Sheriff may not make or collect any charge for receiving or releasing any prisoner from the jail.

(b) **Additional funds.** The County Commissioners may appropriate funds to be used by the Sheriff in defraying any legitimate expense of the office. (P.L.L., 1888, Art. 22, sec. 359; 1930, sec. 753; 1957 Code, sec. 580; 1880, ch. 303; 1894, ch. 243; 1918, ch. 42; 1933, ch. 111; 1943, ch. 166; 1945, ch. 279; 1970 ed. sec. 30-1; 1984, ch. 289; 1984 ed. sec. 3-201; 1991, ch. 211)

3-202. Sheriff's return to Clerk of Court.

(a) **Return.** Within 90 days from the conviction and sentence of any prisoner by the Circuit Court for Washington County, when the penalty is a fine and costs imposed by the court or the prisoners [prisoner is] committed into the hands of the Sheriff until the fine and costs are paid, the Sheriff shall make a return to the Clerk of the Circuit Court for Washington County in each case, on the criminal docket of the court, as follows: When the fine and cost imposed shall be collected by the Sheriff, viz.: "Fine and costs paid and prisoner discharged".

(b) **Insolvent prisoner.** If the prisoner committed into the hands of the Sheriff is insolvent and serves the time regulated by existing law in the county jail, in payment of the fine and costs, the Sheriff shall make a return to the Clerk of the Court as follows, viz.: "Prisoner served his time in jail and discharged".

(c) **Time.** The Sheriff shall make returns within the same time to the Clerk of the Court from the date of their forfeiture in all recognizance at any and all times of the court in each case as follows: "Amount of bond collected," or what disposition the Sheriff has made of the forfeited recognizance.

(d) **Note on docket.** Each of the returns shall be signed by the Sheriff of the county, and the Clerk of the Court shall note upon the criminal docket in each case the returns thus made to the Clerk of the Court by the Sheriff of the county.

(e) **Penalty.** On the failure of the Sheriff to make the returns as required by this section, the prisoner is guilty of a misdemeanor and shall be fined for each offense not more than \$500 to be imposed by the Circuit Court for Washington County and collected as are other fines. (P.L.L., 1930, Art. 22, sec. 756; 1957 Code, sec. 581; 1904, ch. 371; 1970, ch. 19; 1970 ed. sec. 30-2; 1984, ch. 289; 1984 ed. sec. 3-202; 1991, ch. 211)

Subtitle 3. Bailiffs

[Repealed 1991, Ch. 241]

Subtitle 4. Orphans' Court

3-401. Sessions.

The sessions of the Orphans' Court of Washington County shall be held on the days and during hours as in the judgment of the Court the public business and convenience requires. (P.L.L., 1930, Art. 22, sec. 688; 1957 Code, sec. 499; 1916, ch. 425, sec. 1; 1924, ch. 38, sec. 328A; 1927, ch. 549; 1933, ch. 110; 1939, ch. 106; 1970, ch. 276; 1970 ed. sec. 22-1; 1984, ch. 289; 1984 ed. sec. 3-601; 1991, ch. 211; 2000, ch. 147)

3-402. Levy for salary; payment.

The County Commissioners shall levy annually an amount that they estimate will be sufficient to pay the Judges of the Orphans' Court for the next ensuing year. The Register of Wills shall certify monthly to the County Commissioners the number of days each of the Judges has attended the Court during the month, and the Tax Collector shall pay to each of the Judges the amount prescribed by § 2-108(v) of the Estates and Trusts Article for each day's attendance certified by the Register of Wills. (P.L.L., 1930, Art. 22, sec. 689; 1957 Code, sec. 500; 1916, ch. 425, sec. 2; 1924, ch. 38, sec. 328B; 1945, ch. 328; 1970 ed. sec. 22-2; 1984, ch. 289; 1984 ed. sec. 3-602; 1991, ch. 211)

Subtitle 5. Bar Library

3-501. Payments for bar library.

(a) **Required.** The County Commissioners shall pay to the Clerk of the Court, to be expended under the direction of the Judges of the Court for the augmentation, maintenance, and upkeep of the bar library, sums of money that the Judges request.

(b) **Limitations.** Any payments shall be made only if the amounts received by the Clerk for the purposes specified in this section from fines and forfeitures, as provided by § 7-507 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland are insufficient for those purposes. (1963, ch. 444; 1970 ed. sec. 4-16; 1984 ed. sec. 3-901; 1984, ch. 289; 1991, ch. 211; 2006, ch. 44)

Subtitle 6. Attorneys

3-601. Definitions.

a) **Meanings.** In this title the following words have the meanings indicated.

(b) **Agency.** “Agency” means an agency, department, board, commission, sanitary district, body politic and corporate, or other governmental or quasi-governmental unit of Washington County.

(c) **Firm.** “Firm” means a firm, partnership, or corporation (professional association).

(d) **Person.** “Person” means a person, business organization, or any other legal entity.

(e) **Proceeding.** “Proceeding” means a proceeding, negotiation, or similar matter. (1970 ed. sec. 2-1; 1984 ed. sec. 3-1001; 1984, ch. 289; 1991, ch. 211)

3-602. Attorney representing agency.

(a) **Actions prohibited.** Any attorney who represents any agency or any member of that attorney’s firm may not represent a person in any proceeding before or with the agency.

(b) **List of names.**

(1) Each agency shall file with the Clerk of the County Commissioners the names and addresses of any and all attorneys representing the agencies.

(2) The Clerk shall maintain a list of such names, which shall be a matter of public record and open to inspection by the public during normal office hours. (1974, ch. 824, sec. 2-1; 1970 ed. sec. 2-2; 1984, ch. 289; 1984 ed. sec. 3-1002; 1991, ch. 211)

3-603. Attorney being a member of agency.

(a) **Actions prohibited.** An attorney who is a member of any agency or any member of that attorney’s firm may not represent a person in any proceeding before or with the agency.

(b) **List of names.**

(1) Each agency shall file with the Clerk of the County Commissioners the names and addresses of any and all members of the agency who are attorneys.

(2) The Clerk shall maintain a list of such names, which shall be a matter of public record and open to inspection by the public during normal office hours. (1974, ch. 824, sec. 2-2; 1970 ed. sec. 2-3; 1984, ch. 289; 1984 ed. sec. 3-1003; 1991, ch. 211)

Title 4. Elections and Election Districts

Subtitle 1. Election Districts

4-101. Election districts; number, names, boundaries.

Subtitle 2. Municipal Referendum Questions

4-201. Municipal referendum questions.

Subtitle 1. Election Districts

4-101. Election districts; number, names, boundaries.

Washington County is divided into 27 election districts, according to their present names, bounds and limits, and all elections for public officers shall be held in the districts, at the places established by law for that purpose. (P.L.L., 1860, Art. 21, 91; 1888, Art. 22, sec. 122; 1930, sec. 171; 1957 Code, sec. 204; 1970 ed. sec. 10-1; 1984 ed. sec. 4-101; 1991, ch. 211)

Subtitle 2. Municipal Referendum Questions

4-201. Municipal referendum questions.

(a) *Municipal referendum questions.*

(1) The Washington County Election Board, with the consent of the County Commissioners, may arrange with the appropriate officials of any municipal corporation or of any special tax area within the county to include municipal or tax area referendum questions on the ballot or voting machine labels being used for any county or State election.

(2) These questions may then appear on the ballots or voting machine labels so that they may be voted upon only by residents of the particular municipal corporation or special tax area.

(b) *Payment.*

(1) An agreement made under this section may include provision for the payment by the municipal corporation or special tax area of a portion or all of the cost of conducting the referendum and tabulating the votes.

(2) Any moneys paid to a county under such an agreement shall be credited to the general funds of the county.

(c) ***Implementation of section.*** The Washington County Election Board and the County Commissioners may provide for the details and procedures for giving effect to the provisions of this section. (1963, ch. 367; 1970 ed. sec. 11-1; 1984, ch. 289; 1984 ed. sec. 4-201; 1991, ch. 211)

Title 5. Business Regulation

Subtitle 1. Junk Shops and Second-Hand Stores

- 5-101. Records; required.
- 5-102. Same; how kept.
- 5-103. Same; penalties.

Subtitle 2. Pawnbrokers

- 5-201. Interest and other charges.
- 5-202. Books to be kept; inspection.
- 5-203. Penalties.
- 5-204. Other charges.
- 5-205. Penalties.

Subtitle 1. Junk Shops and Second-Hand Stores

5-101. Records; required.

A keeper, owner, proprietor or employee of any junk shop in Washington County, or any owner, proprietor, or employee of any second-hand store in the county may not barter, purchase, exchange, buy or accept from any person, except plumbers holding licenses as such or the owner or owners of property or of buildings from which the material is taken, any pipe, faucet, boilers, spigots, coil, lead, solder, copper, alloys of metals or manufactures of metals, tin plate, or any other like material whatever, or to barter, purchase, exchange, buy, receive, or accept any other second-hand goods, wares, or merchandise of any kind or nature whatever, without providing and keeping books, and making in them the time of the purchase, exchange, receiving, or accepting the entries required by this subtitle. (1957 Code, sec. 430; 1941, ch. 236, sec. 533C; 1970 ed. sec. 17-1; 1984, ch. 289; 1984 ed. sec. 5-201; 1991, ch. 211; 1995, ch. 85)

5-102. Same; how kept.

Every owner of such junk shops and second-hand stores shall provide and constantly keep a book in which shall be written down in the English language, at the time of every purchase of any such material, a description of all articles so purchased, the name and residence of the person from whom the purchase was made, and the day and the hour of the purchase. The books at all times shall be open to the inspection of any member of the police and detective forces of any municipality in the county and to the Sheriff and any constable. The book or books shall be preserved for a period of at least 3 years after the date of the last purchase or transaction recorded in the book. (1957 Code, sec. 431; 1941, ch. 236, sec. 533D; 1970 ed. sec. 17-2; 1984, ch. 289; 1984 ed. sec. 5-202; 1991, ch. 211; 1995, ch. 85)

5-103. Same; penalties.

Any person who violates, neglects, fails, or refuses to comply with any or all of the provisions of §§ 5-101 and 5-102 of this subtitle shall for every offense, upon conviction, be fined not less than \$5 nor more than \$100, and in default of payment be imprisoned in jail for a period not exceeding 90 days. (1957 Code, sec. 432; 1941, ch. 236, sec. 533E; 1970 ed. sec. 17-3; 1984, ch. 289; 1984 ed. sec. 5-203; 1991, ch. 211; 1995, ch. 85; 1998, ch. 21)

Subtitle 2. Pawnbrokers

5-201. Interest and other charges.

(a) *Charges.*

(1) A regular licensed pawnbroker may charge for any loans upon goods, chattels, or other personal property to cover interest, storage, investigation of title, packing, and all other expenses incidental to the pawnbrokers' business, a sum of money not to exceed 5 percent of the amount loaned for 30 days, of any loan made not exceeding \$25, and for any renewal or renewals of the loan a sum of money, not to exceed 2.5 percent of the amount loaned, for each 30 days of the renewal or renewals.

(2) For loans of more than \$25, the sum may not exceed 3 percent of the amount loaned for 30 days and 2 percent of the amount loaned for each renewal of the loan for a period of 30 days, and other charges of any kind may not be made for or on account of the loans or their renewals.

(b) *Receipt.*

(1) At the time of making such loan, or any renewal of it, each pawnbroker shall give to the borrowers a ticket or receipt stating the article or articles upon which the loan is advanced, and the amount of the loan.

(2) The ticket or receipt shall have printed on it a schedule of the amounts allowed to be charged upon loans under the provisions of this subtitle. (P.L.L., 1930, Art. 22, sec. 690; 1957 Code, sec. 501; 1916, ch. 354, sec. 2; 1970 ed. sec. 23-1; 1984, ch. 289; 1984 ed. sec. 5-301; 1991, ch. 211; 1995, ch. 85)

5-202. Books to be kept; inspection.

(a) ***Records.*** The licensed pawnbroker shall keep or cause to be kept in suitable books, to be provided by them, an accurate account of each loan or advance made, giving the name of the person or persons to whom a loan is made, a general description of the property taken as security, the time the loan is made, the amount, and the amount charged for making it.

(b) **Inspection.** These books and all the business and affairs of every licensed pawnbroker shall be subject at all times to inspection by the Chief of Police of the City of Hagerstown. (P.L.L., 1930, Art. 22, sec. 691; 1957 Code, sec. 502; 1916, ch. 354, sec. 3; 1970 ed. sec. 23-2; 1984, ch. 289; 1984 ed. sec. 5-302; 1991, ch. 211; 1995, ch. 85)

5-203. Penalties.

Any person or persons, firm or corporation, who engages in the business of loaning money upon personal property and who charges, under any pretext whatsoever, any sum in excess of the legal rate of interest, without first taking out a pawnbroker's license, is guilty of a misdemeanor and, upon conviction, shall be fined \$100 for the first offense, and the same fine and also imprisoned in jail for 30 days for each subsequent offense. (P.L.L., 1930, Art. 22, sec. 692; 1957 Code, sec. 503; 1916, ch. 354, sec. 4; 1970 ed. sec. 23-3; 1984, ch. 289; 1984 ed. sec. 5-303; 1991, ch. 211; 1995, ch. 85)

5-204. Other charges.

A pawnbroker may not make any other charge for making a loan or advance, for packing or any other expense, than the charge allowed by this subtitle. (P.L.L., 1930, Art. 22, sec. 693; 1957 Code, sec. 504; 1916, ch. 354, sec. 5; 1970, ch. 66, sec. 504; 1970 ed. sec. 23-4; 1984, ch. 289; 1984 ed. sec. 5-304; 1991, ch. 211; 1995, ch. 85)

5-205. Penalties.

Any licensed pawnbroker who in any way or by any subterfuge or device violates any of the provisions of this subtitle, upon conviction, shall be fined \$100 for the first offense and a like fine and also imprisonment in jail for 30 days for each subsequent offense, and any goods, chattels or personal property, upon which the pawnbroker has made a loan shall be returned to their owner or owners. (P.L.L., 1930, Art. 22, sec. 694; 1957 Code, sec. 505; 1916, ch. 354, sec. 6; 1970, ch. 66, sec. 505; 1970 ed. sec. 23-5; 1984, ch. 289; 1984 ed. sec. 5-305; 1991, ch. 211; 1995, ch. 85)

Title 6. Water, Sewer, and Drainage Systems

Subtitle 1. Definitions

6-101. Definitions.

Subtitle 2. Administration

6-201. Powers of county.

6-202. Exercise of powers in subdistricts.

6-203. Projects.

6-204. Finances.

6-205. Exemption from taxation and fees.

Subtitle 3. Connections and Charges

6-301. Scope of subtitle.

6-302. Connections on completion of water or sewer mains.

6-303. Connections after completion of water or sewer mains.

6-304. Allocation fees.

6-305. Assessments.

6-306. Payment of allocation fees and assessments.

6-307. Charges for use of services and future project development.

6-308. Notice and hearing requirements.

6-309. Liens.

6-310. Statute of limitations inapplicable.

6-311. Charges exempt from review, regulation, or control.

6-312. Discharges by industrial users.

Subtitle 4. Bonds

6-401. General obligation bonds.

6-402. Revenue bonds.

6-403. Additional borrowing; authority.

6-404. Temporary bonds.

6-405. Conditions on issuance of bonds.

Subtitle 5. Miscellaneous Provisions

6-501. Legislative intent.

6-502. General fund appropriations.

6-503. Miscellaneous powers and duties.

6-504. Succession to powers and duties of district or commission.

6-505. Water and Sewer Debt Reduction Fund.

Subtitle 1. Definitions

6-101. Definitions.

- (a) ***In general.*** In this title the following words have the meanings indicated.
- (b) ***Allocation fee.*** “Allocation fee” means the charge for being connected to a water or sewerage system, including, but not limited to, an initial connection charge.
- (c) ***Clerk.*** “Clerk” means the Clerk of the Circuit Court for Washington County, Maryland.
- (d) ***County.*** “County” means the County Commissioners of Washington County, a body politic and corporate of the State.
- (e) ***Drainage system.*** “Drainage system” means all structures, culverts, systems, facilities, or properties, either manmade or naturally occurring, and all related properties, rights, easements, and franchises, deemed necessary or convenient by the county for the operation or use in connection with the collection, control, conveyance, or discharge of surface waters, including storm drainage and stormwater management.
- (f) ***Project.*** “Project” means a water system, sewerage system, or drainage system or any part of these systems that the county owns, constructs, or operates.
- (g) ***Property.*** “Property” means any interest in real estate.
- (h) ***Regulation.*** “Regulation” means the policies that have been formally adopted and published by the county, or formerly by the Washington County Sanitary Commission.
- (i) ***Reserved area.*** “Reserved area” means an area within a subdistrict to which the provisions of Subtitle 3 of this title may not apply and in which property owners do not have the right to connect to a water or sewerage system.
- (j) ***Roads.*** “Roads” means public highways, streets, roads, alleys, easements, and rights-of-way.
- (k) ***Sewage.*** “Sewage” has the meaning as stated in § 9-601(m) of the Environment Article.
- (l) ***Sewerage system.*** “Sewerage system” has the meaning as stated in § 9-601(n) of the Environment Article.
- (m) ***State.*** “State” means the State of Maryland and any of its departments, bureaus, agencies, or other instrumentalities.
- (n) ***Subdistrict.*** “Subdistrict” means a service area within the county.

(o) **United States.** “United States” means the United States of America and any of its departments, bureaus, agencies, or other instrumentalities.

(p) **Water system.** “Water system” has the meaning stated in § 9-601(q) of the Environment Article of the Annotated Code of Maryland. (1993, ch. 523; 1994, ch. 92; 1995, ch. 86)

Subtitle 2. Administration

6-201. Powers of county.

(a) **Generally.** The county has all the powers and authority that the Washington County Sanitary Commission and the Washington County Sanitary District had before they were abolished, including all the powers conferred by the public general laws of Maryland, in connection with the construction, maintenance, and operation of water systems, sewerage systems, and drainage systems and any other powers granted under this title.

(b) **Assumption of rights, duties, and liabilities.** The county shall assume all rights, duties, and liabilities of the Commission and District.

(c) **Conflict of law.** Whenever this subtitle and Title 9, Subtitle 6 of the Environment Article conflict, this subtitle applies.

(d) **Authority to delegate responsibility.** The county shall oversee the business of the former Washington County Sanitary District, but may delegate the responsibility to a division of public works as provided in § 1-601 of this Code.

(e) **Regulations.** The county shall adopt regulations for the administration and enforcement of this title.

(f) **Indexed document file.** The county shall establish and maintain a suitable and properly indexed file for the recording of documents under this title. (1993, ch. 523; 1995, ch. 86)

6-202. Exercise of powers in subdistricts.

(a) **Generally.** The governmental powers conferred by this title shall be exercised only in subdistricts.

(b) **Creation of subdistricts.** The county may create a subdistrict by resolution.

(c) **Requirements for resolution.** A resolution creating a subdistrict shall contain:

(1) A designation by a distinctive name, including identification as a water, sewerage, or drainage subdistrict, as appropriate;

(2) Incorporation by reference of a plat setting forth the boundaries of the subdistrict; and

(3) A designation of the representation area to which it will be added.

(d) ***Designation of a reserved area.***

(1) The resolution may also contain a designation of a portion of the subdistrict as a “reserved area”.

(2) The “reserved area” shall be clearly designated on the plat.

(e) ***Recordation of resolution.*** The resolution creating a subdistrict shall be recorded with the Clerk.

(f) ***Amendment of boundaries.*** Subdistrict boundaries and reserved area boundaries within a subdistrict may be amended by the same procedure used for the creation of subdistricts as provided in this section.

(g) ***Combination of subdistricts.*** Following a public hearing, the county may combine, by resolution, one or more subdistricts, whether or not contiguous.

(h) ***Establishment required before hearing.*** A subdistrict shall be established before a hearing under Section 6-203(f) of this subtitle may be scheduled or held. (1993, ch. 523; 1994, ch. 92; 1995, ch. 86; 1998, ch. 21)

6-203. Projects.

(a) ***Consent required.*** Except as otherwise provided in this section, a project may not be undertaken by the county without the consent of the owner of each property to be served.

(b) ***Application of section.*** This section applies to:

(1) Projects which would result in the addition of three or more water or sewerage services;

(2) Actions which would result in the elimination of three or more water or sewerage services; and

(3) The reduction or elimination of a reserved area within a subdistrict, which would result in the addition of three or more water or sewerage services.

(c) ***Project proposal.***

(1) The county may propose a project by resolution.

(2) A resolution shall set forth the nature of the project and the locations at which service would be provided or eliminated.

(d) ***Preliminary plats, plans, and financial estimates.*** After the adoption of a resolution proposing a project, the county shall have preliminary plats, plans, and financial estimates prepared.

(e) ***Notice.***

(1) The county shall schedule a hearing on a proposed project after the completion of the preliminary plats, plans, and financial estimates.

(2) The county shall publish a notice for two weeks in at least one newspaper published in the county.

(3) The notice shall state that the plat and plans of each project may be inspected at the office of the county during regular business hours, the date of the hearing, the time of the hearing, the place of the hearing, and that any interested person may testify at the hearing.

(f) ***Hearing.***

(1) At the hearing the county shall present the preliminary plats, plans, and financial estimates.

(2) All interested persons shall be given an opportunity to be heard.

(g) ***Written comments and petitions.*** For 10 days following the hearing, the county shall receive written comments and petitions from interested persons.

(h) ***Adoption or rejection by resolution.***

(1) Not less than 10 days following the hearing, the county shall meet to consider the statements made at the hearing and the written comments and petitions received.

(2) By resolution the county shall adopt, with or without amendment, or reject the proposed plats and plans for the project.

(3) The resolution shall be published in at least one newspaper published within the county.

(i) ***Significant change in project.*** If the county makes a significant change in a project after the passage of a resolution concerning the project, the steps set forth in subsections (e) through (i) of this section shall be repeated.

(j) ***Payment of costs.***

(1) If the project is constructed, the affected subdistrict shall pay all costs resulting from the procedures set forth in this section.

(2) If the project is not constructed, the county shall pay all costs resulting from the procedures set forth in this section.

(k) ***Filing of plat.*** Before the beginning of construction, the county shall file with the Clerk a plat showing the general location of all mains and other significant features of the project. (1993, ch. 523; 1995, ch. 86)

6-204. Finances.

(a) ***Records and funds.***

(1) The County Finance Officer shall keep a complete record of the county's receipts, expenses, and expenditures under this title.

(2) The books and accounts shall be kept so as to reflect receipts and disbursements separated by subdistrict.

(3) The disbursements of a subdistrict shall be independently supported by the receipts of the subdistrict without contribution from any other subdistrict.

(4) The County Finance Officer may:

(i) Combine funds received from different subdistricts into the same bank account; or

(ii) Loan funds held on behalf of one subdistrict to a different subdistrict if interest, adjusted on the first day of each month, is paid at a rate equal to 80 percent of the prevailing Wall Street Journal prime interest rate or a similar prime interest rate, if the Wall Street Journal ceases publication of a prime interest rate.

(b) ***Combination of assets; rates.***

(1) Notwithstanding subsection (a) of this section or any other provision of this title, the county, following a public hearing, may combine the assets, including funds, receipts, and expenditures from all sewer subdistricts, and adopt rates which are the same for each sewer subdistrict.

(2) Notwithstanding subsection (a) of this section or any other provision of this title, the county, following a public hearing, may combine the assets, including funds, receipts, and expenditures from all water subdistricts, and adopt rates which are the same for each water subdistrict.

(c) ***Audit required.*** The County Auditor shall audit the books and accounts that are required under subsection (a) of this section.

(d) ***Additional audit authorized.*** The county may at any time appoint an independent certified public accountant to conduct a separate audit and examination of the books and records that are required under subsection (a) of this section. (1993, ch. 523; 1995, ch. 86)

6-205. Exemption from taxation and fees.

(a) ***Generally.***

(1) The county is not required to pay any taxes or assessment on any project acquired, constructed, or operated under the provisions of this title or on the income from it.

(2) The bonds issued under the provisions of this title, their transfer, and the income from them, including any profit made on their sale by any person other than the initial purchaser, may not be taxed by the State or any of its political subdivisions, or by any town or incorporated municipality or any other public agency within the State.

(b) ***Court filings.*** The county is not required to pay filing fees, recording fees, transfer taxes, or documentary stamps with regard to court filing of any complaint, deed, plat, easement or other document in any circuit court or District Court of the State. (1993, ch. 523; 1995, ch. 86)

Subtitle 3. Connections and Charges

6-301. Scope of subtitle.

The provisions of this subtitle do not apply to reserved areas as designated under § 6-202(d) of this title. (1993, ch. 523; 1995, ch. 86)

6-302. Connections on completion of water or sewer mains.

(a) ***Notice of completion.*** Whenever a water or sewer main is completed, the county shall, based upon names and addresses of owners as they appear on the Washington County real estate tax records, mail a written notice of completion to one owner of each parcel located on a street, right-of-way, or easement under which the main is laid.

(b) ***Connection required.***

(1) If on the date of mailing of a written notice of completion, an existing structure with operating spigots, toilets, and drains is located within the distance prescribed for mandatory connection by the regulations of the county, an owner shall at the owner's expense:

(i) Obtain all permits required for connection to the main; and

(ii) Connect all spigots, toilets, and drains in the structure.

(2) At an owner's expense, the owner shall install any spigot, toilet, drain, or similar fixture as may be required by the Washington County Health Department.

(3) The completed connection shall pass final inspection within the time prescribed by the regulations of the county.

(4) The county may impose an allocation fee.

(5) The county shall extend the system to the owner's property line.

(c) **Penalties.** The failure of an owner of a parcel of property to connect to the system under subsection (b) of this section shall be a misdemeanor. Each calendar day on which a violation occurs shall be a separate and individual offense. Each offense shall be punishable by a fine not to exceed \$1,000 and/or one day of incarceration in the Washington County Detention Center. (1993, ch. 523; 1995, ch. 86)

6-303. Connections after completion of water or sewer mains.

(a) **Connection required.** If a structure is completed after the water or sewer mains specified in § 6-302 of this subtitle are completed and has operating spigots, toilets, and drains that are located within the distance prescribed for mandatory connection by the regulations of the county, the owner of the structure shall connect to the system.

(b) **Penalties.** An owner who fails to connect is subject to the punishment set forth in § 6-302(c) of this subtitle.

(c) **Allocation fee required.** An allocation fee shall be imposed by the county for each connection.

(d) **Additional allocation fees authorized.** The county may impose additional allocation fees for increases in the usage by a customer of the water and sewerage systems following initial connections and subsequent connections. (1993, ch. 523; 1995, ch. 86)

6-304. Allocation fees.

Within a subdistrict, allocation fees may differ for:

(1) Connections made under §§ 6-302 and 6-303 of this subtitle; and

(2) Different classes of users. (1993, ch. 523; 1995, ch. 86)

6-305. Assessments.

(a) *Authorized.* The county may impose assessments to pay unusual costs of construction, maintenance, or operation of water and sewerage systems.

(b) *Imposition on categories of users.* Assessments may be imposed on categories of users, including categories based on geographic location or class of use. (1993, ch. 523; 1995, ch. 86)

6-306. Payment of allocation fees and assessments.

A property owner may pay allocation fees and assessments at the time of imposition of an allocation fee or assessment. (1993, ch. 523; 1995, ch. 86; 1996, ch. 309)

6-307. Charges for use of services and future project development.

(a) *Uniformity required.* All charges for the use of services shall be uniform within a subdistrict for each class of user. The county shall establish classes of users by regulation.

(b) *Periodic billings.* The county may bill charges monthly, bimonthly, quarterly, or semi-annually in each subdistrict as determined by the county.

(c) *Responsibility for payment.*

(1) All charges are the responsibility of the owner of the property served.

(2) A bill shall be mailed to the name and address of a property owner on the Washington County real estate tax records, unless requested otherwise in writing by each of the owners of the property served.

(3) The charges are the responsibility of the owner, even if the bills are sent to other persons.

(d) *Timing of payment; termination of service.* Bills shall be paid according to the terms set forth, and at the office of the county designated in the billing document. If the bill remains unpaid for 30 calendar days after the due date, the county may terminate the water or sewer service to the property. The service may not be resumed until the bill, together with all other bills for water and wastewater service chargeable against that property, have been paid in full, in addition to any fees for disconnection and reconnection that may be established by regulation.

(e) *Charges for future project development.* The county may also impose a uniform charge to all users for future project development. (1993, ch. 523; 1995, ch. 86; 1996, ch. 309)

6-308. Notice and hearing requirements.

Whenever the county seeks to establish or modify a fee, rate, charge, levy, or assessment for the treatment, collection, or distribution of water or sewage, the county shall:

- (1) Give notice of the proposed establishment or modification in at least one newspaper circulated in Washington County; and
- (2) Conduct a public hearing on the necessity or advisability of the proposed establishment or modification of fees, rates, charges, levies, or assessments. (1993, ch. 523; 1995, ch. 86)

6-309. Liens.

(a) ***Unpaid fees and charges are lien on property.*** All unpaid allocation fees, water charges, sewerage charges, penalties, and assessments, whether billed or unbilled, constitute a lien against the property served.

(b) ***Notice of lien.*** The record of unpaid charges maintained at the office of the county constitutes public notice of the liens. (1993, ch. 523; 1995, ch. 86)

6-310. Statute of limitations inapplicable.

The right of the county to collect all charges imposed under this section may not be barred by any statute of limitations. (1993, ch. 523; 1995, ch. 86)

6-311. Charges exempt from review, regulation, or control.

All charges established under this section may not be subject to review, regulation, or control by the State, including the Public Service Commission of Maryland. (1993, ch. 523; 1995, ch. 86)

6-312. Discharges by industrial users.

(a) ***Regulations.*** If authorized by the Department of the Environment, the county may adopt regulations concerning the quantity and character of discharges by industrial users into the sewerage system.

(b) ***Civil action and penalty.*** The county may bring a civil action against any person who violates a regulation adopted under this section and the court may impose a civil penalty not exceeding \$1,000 for each day that a violation exists.

(c) ***Criminal penalty.*** A person who violates a regulation adopted under this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 for each day that a violation exists. (1994, ch. 92; 1995, ch. 86)

Subtitle 4. Bonds

6-401. General obligation bonds.

(a) *Authorization; issue.*

(1) For the purpose of paying the cost of a project or projects in one or more subdistricts, the county may borrow money. The county may evidence that borrowing by the issuance of its bonds, which shall constitute a pledge of the full faith and credit and unlimited taxing power of the county, in the manner set forth in this section. The county may not issue these bonds if, by their issuance, the total unpaid bonded indebtedness of the county under this section, less the amount of any sinking funds or reserves for payment of bonds previously issued, exceeds 25 percent of the total assessed valuation of all of the property in the county that is subject to county taxation during the county's most recent fiscal year.

(2) The county shall specify the date of each issue, its interest rate, and its date of maturity. While the date of maturity may not exceed 40 years, the county may make it redeemable before maturity at prices and under terms and conditions that the county fixes before the issuance of the bonds. The county shall determine the form of the bonds, including any interest coupons to be attached to them, and the manner of their execution. The county shall fix the denominations of the bonds and the places for the payment of principal and interest, which may be at any bank or trust company.

(3) If an officer whose signature, or facsimile, appears on any bonds or coupons ceases to be an officer before the delivery of the bonds or becomes one after the date of their issue, the signature or facsimile, is valid and sufficient for all purposes as if the officer had remained in office until delivery or had held the office on the date of issue.

(4) Between successive holders, all bonds issued under this title, as between successive holders, have all the qualities and incidents of negotiable instruments under the negotiable instruments law of this State. The county may issue the bonds in coupon or in registered form, or both. Provision may be made for the registration of any coupon bonds as to principal alone or as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The issuance of the bonds is not subject to any limitations or conditions contained in any other law and the county may sell the bonds in the manner, either at public or private sale, and for the price it determines to be for the best interest of the county.

(5) The bonds shall be issued under the signature and seal of the county. The expense of issuance of the bonds and the expenses incurred under this title may be treated and repaid as part of the cost of the project or projects financed with the proceeds of the bonds.

(b) ***Proceeds.***

(1) The proceeds of the bonds shall be used solely for the payment of the cost of the project or projects for which the bonds are issued and shall be disbursed in the manner and under the restrictions, if any, as provided by the county in the authorizing resolution.

(2) If the cost of the project exceeds the proceeds from the bonds, by error of estimates or otherwise, additional bonds may be issued to cover the amount of the deficit. Unless otherwise provided in the authorizing resolution, the additional bonds shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

(3) If the proceeds from the sale of any bond issue exceed the amount required for the purpose for which the bonds have been issued, the county, by resolution, may apply the surplus either to payment of the cost of an additional project or projects or for the retirement of bonds of that issue, as provided in the authorizing resolution.

(4) Where the proceeds from the issue of bonds are expenses for the cost of one or more projects, whether or not in one or more subdistricts, the county shall create separate capital accounts for each project, among which bond proceeds shall be divided and from which the separate costs of each project shall be paid.

(5) As soon as each project is completed, the special assessments or other charges imposed or made by the county with respect to the project shall be calculated in whatever manner as to provide a proportion of the annual debt service on the issue of bonds equal to the proportion of the proceeds of the issue expended on the project.

(c) ***Full faith and credit.*** The full faith and credit and unlimited taxing power of the county shall be unconditionally pledged to the payment of the principal of and interest on any bonds issued pursuant to this section.

(d) ***Ad valorem tax by county.*** In the event that the funds available to the county from all sources are insufficient to pay any bonds issued under this section, together with the interest due thereon, the county, in each and every fiscal year in which bonds are outstanding, shall levy and collect ad valorem taxes upon all the legally assessable property within the corporate limits of Washington County at a rate and in an amount sufficient to provide for such payments when due, together with accrued interest to the date of payment. In the event the proceeds from the taxes so levied in any fiscal year are inadequate for the above purposes, the county shall levy additional taxes in the succeeding fiscal year to make up any deficiency. (1993, ch. 523; 1994, ch. 92; 1995, ch. 86)

6-402. Revenue bonds.

(a) ***Authorized.*** For the purpose of financing, in whole or in part, the cost of a project or projects in one or more subdistricts, the county, in addition to the authority and power

conferred by § 6-401 of this subtitle, may borrow money in whatever amount is needed for that purpose. The county may evidence its borrowing by the issuance and sale of its negotiable revenue bonds. Principal and interest shall be made solely from the proceeds of special benefit assessments and other charges imposed and made by the county on the project or projects financed with the proceeds of the bonds, which revenues the county may pledge to their payment. The county may fix and determine the form and tenor of the revenue bonds, their denominations, the rate or rates of interest payable on them, the place or places for payment, and the method of sale, all as provided in § 6-401 of this subtitle. The amount of the revenue bonds issued by the County may not exceed the cost of the project or projects being financed.

(b) ***Payment of principal and interest.*** Payment of principal and interest may not constitute an obligation of, or a pledge of the faith and credit of, the county but, on the contrary, the bonds shall recite that their principal and interest are payable solely from the prescribed revenues or in the resolution or trust indenture authorizing them.

(c) ***Trust indenture.*** The county may secure any revenue bonds issued under this section by an appropriate trust indenture by and between the county and a corporate trustee, which may be any trust company, or bank having trust powers, within or outside the State. Every such trust indenture, and revenue bonds secured thereby, shall clearly recite that the bonds are obligations of the county, payable solely from its revenues, and do not constitute obligations of the county or of the State of Maryland. A trust indenture may contain covenants on the part of the county, not contrary to law, deemed necessary or appropriate by the county for the proper security of the purchasers of the bonds. The county may not enter into any covenant which permits the trustee or bondholders to sell or otherwise divest the county of its title to any project or projects financed with the proceeds of any such bonds without the prior written consent of the county.

(d) ***Covenants.*** Subject to the limitation specified in subsection (c) of this section, a trust indenture may contain covenants for the protection of bondholders, relating to all or any of the following:

(1) The nature, extent, and procedure for acquiring or constructing any project or projects and their supervision;

(2) The maintenance and operation of any such project or projects and their supervision, the employment of consulting engineers, auditors, attorneys, and other experts in connection with any such acquisition, construction, maintenance, or operation;

(3) The terms and provisions of the bonds and the securing of their proceeds; the imposition and collection of assessments, charges and rentals for the use of any such project or projects; and the use, application and securing of any revenues so collected, including the establishment, deposit and securing from any such revenues or reserves for debt service on, or prior redemption of, any such revenue bonds, or for the maintenance, operation, and improvement of any such project or projects;

(4) The insurance on any such project or projects;

(5) The issuance of additional revenue bonds for any such project or projects and the limitations on them;

(6) The powers, duties, and indemnification of any trustee, or its successor, party to any such trust indenture;

(7) The rights and remedies of the trustee and the bondholder in the event of any default by the county under any trust indenture. The rights and remedies may include the taking over of any operation by the trustee or by a receiver appointed by a court of competent jurisdiction of the project or projects financed with the proceeds of any such issue of revenue bonds secured by the trust indenture, and the marshaling of the revenues from any such project or projects for the use and benefit of bondholders.

(e) ***Enhanced marketability.*** In addition to the covenants enumerated in subsection (d) of this section but subject to the following limitations, the county may make further additional covenants in any trust indenture, of like or different character as is necessary, convenient, or desirable for the better security of any issue of its revenue bonds secured by the trust indenture or as will, in its judgment, tend to make the bonds more marketable. (1993, ch. 523; 1995, ch. 86)

6-403. Additional borrowing; authority.

(a) ***Authorization.*** As a method of financing the cost of constructing a project in one or more subdistricts, the county may borrow money from a bank and issue and deliver to such bank notes or bonds of the county to evidence such borrowing.

(b) ***Obligations of county.*** All notes or bonds issued by the county under subsection (a) of this section shall constitute obligations of the county which the county shall pay in full.

(c) ***Separate capital accounts.***

(1) Where the proceeds of the note or bond are expended for the costs of one or more projects, the county shall create a separate capital account for each project.

(2) The note or bond proceeds shall be divided among the separate capital accounts and the separate costs of each project shall be paid from the separate capital accounts.

(3) As each project is completed, the special assessments or other charges imposed or made by the county shall be calculated to provide a proportion of the annual debt service on the issue of notes or bonds equal to the proportion of the proceeds expended on the project. (1994, ch. 92; 1995, ch. 86)

6-404. Temporary bonds.

(a) *Authorization.* Before the preparation of the definitive bonds authorized to be issued by this subtitle, the county, under similar restrictions, may issue interim receipts or temporary bonds, with or without coupons, that may be exchanged for definitive bonds, when the definitive bonds have been executed and are available for delivery. In anticipation of the issuance of any such bonds, the county may issue bond anticipation notes under Article 31, § 12 of the Annotated Code of Maryland. With respect to bonds, coupons, temporary bonds, receipts, or bond anticipation notes which have matured, been exchanged, or redeemed, the county shall make arrangements for their mutilation and cremation after an appropriate accounting. Any mutilated, destroyed, or lost instruments may be replaced upon receipt of such indemnification and payment of replacement expenses as the county considers proper and requisite.

(b) *Issuance.* Bonds may be issued under the provisions of this subtitle without obtaining the approval or consent of any division, commission, board, bureau, or agency of the State of Maryland and, without any other proceeding or the happening of any other condition or thing than those proceedings, conditions, or things which are specifically required by this subtitle. (1994, ch. 92; 1995, ch. 86)

6-405. Conditions on issuance of bonds.

With respect to any bonds issued under this title:

(1) The bonds are investment securities under the laws of the State, notwithstanding any other provision of law or any recitals in the instruments;

(2) The bonds and their issuance and sale are exempt from the provisions of Article 31, §§ 9, 10, and 11 of the Annotated Code of Maryland;

(3) The bonds, 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 every kind and nature of taxation by this State or by any of its political subdivisions, municipal corporations, or public agencies of any kind; and

(4) For purposes of issuance and sale, such bonds may be consolidated into a single issue with any other bonds authorized to be issued by the county. (1995, ch. 86)

Subtitle 5. Miscellaneous Provisions

6-501. Legislative intent.

(a) *Construction; other laws.*

(1) This title constitutes full and complete authority, without regard to the provisions of any other law, for the doing of the acts and things that it authorizes.

(2) It shall be liberally construed to effect its purposes.

(3) These provisions do not restrict any control which the United States and the State are empowered to exercise over or within any district.

(b) ***Additional method.*** This title shall be deemed to provide an additional and alternative method for the doing of the things authorized by it, and shall be regarded as supplemental and additional to powers conferred by other laws, and may not be regarded as in derogation of any powers now existing.

(c) ***Inconsistent laws.*** All laws or part of laws which are inconsistent with the provisions of this title are repealed to the extent of the inconsistency. (1993, ch. 523; 1995, ch. 86)

6-502. General fund appropriations.

For the purpose of assisting in the engineering and construction of needed water, sewerage, or drainage systems, the county may make general fund appropriations, upon the terms and conditions as it may deem right and proper. (1995, ch. 86)

6-503. Miscellaneous powers and duties.

(a) ***Right of entry.*** Any division of public works employee or agent of the county has the right of entry, at all reasonable hours, upon any private premises and into any building in the service area while in pursuit of the employee's or agent's official duties, after reasonable notice and upon first presenting proper credentials from the county.

(b) ***Conservation of water supply.*** The county shall exercise control of the water supply at all times and in case of shortage of water or, for any other reason, the county may determine that the water supply should be conserved.

(c) ***Orders for conservation of water.*** Water users, upon notice from the county, its agents or employees, or upon notice published once in one newspaper published in Washington County, shall comply with any order passed by the county to conserve the water supply.

(d) ***Violation of orders for conservation.*** In addition to any other penalty provided under this title, the county may turn off the water supply of any person violating an order of the county at any time without further notice.

(e) ***Restraint or hindrance a misdemeanor.*** Any unreasonable restraint or hindrance offered by any owner, tenant, or agent of any other person, to the right of entry in this section provided or any violation of any order issued in accordance with this section is a misdemeanor punishable under this title.

(f) *Not applicable within municipalities.* Nothing in this section is applicable within a municipal corporation or to any water and sewerage system operated by a municipal corporation. (1995, ch. 86)

6-504. Succession to powers and duties of district or commission.

In the event that the county passes a resolution or ordinance abolishing any district or commission under this title, the county shall automatically succeed to and exercise all the powers previously exercised by the district or commission, and the county shall undertake and thereafter perform any and all obligations of the abolished district or commission, either as successor to any district or for those incurred on its own behalf all property, real, personal, and mixed, owned by the abolished district or commission or any predecessors is hereby automatically conveyed and transferred to the county without the necessity of any deeds or other writings. (1995, ch. 86)

6-505. Water and Sewer Debt Reduction Fund.

(a) *Fund established.* There is a Washington County Water and Sewer Debt Reduction Fund.

(b) *Nature of Fund.* The Fund is a continuous, nonlapsing fund.

(c) *Annual appropriation.*

(1) The County Commissioners shall annually appropriate \$500,000 to the Fund.

(2) The appropriation shall be in addition to funds appropriated for any subsidy for Washington County water, sewer, and pretreatment facilities.

(3) The appropriation may not be construed to replace or reduce any existing subsidy for Washington County water, sewer, and pretreatment facilities.

(4) The amount of any reduction in any existing subsidy for Washington County water, sewer, and pretreatment facilities that reduces the existing subsidy below the subsidy for Fiscal Year 2000 shall be appropriated to the Fund.

(d) *Deposit of Profits.* All profits of the Conococheague Industrial Pretreatment Facility shall be deposited in the Fund. (2000, ch. 199)

Title 7. Roads

Subtitle 1. Prohibitions

- 7-101. Injuring or defacing sign.
- 7-102. Obstructing county road.
- 7-103. Obstructing county road; penalty.
- 7-104. Same; by setting out fences.
- 7-105. Removal of weeds, etc.
- 7-106. Removal of weeds; penalty.
- 7-107. Obstructions on roads; penalty.

Subtitle 2. Powers and Duties of County Commissioners

- 7-201. Roads less than 30 feet in width.
- 7-202. Control over roads, bridges.
- 7-203. Same; meetings, records, contracts.
- 7-204. Same; signposts, contracts, regulations.
- 7-205. Levy for roads; borrowing power.
- 7-206. Special road improvement districts.
- 7-207. Property owners' share of cost.
- 7-208. Change of road name; procedure.

Subtitle 3. Road Engineer

- 7-301. Road Engineer; removal, duties.
- 7-302. Same; bond, salary.

Subtitle 1. Prohibitions

7-101. Injuring or defacing sign.

If any person wantonly injures or defaces any sign, road marker, automatic signal, other traffic devices, barricade, or sign used during the course of construction on or along any county road, that person is guilty of a misdemeanor and, upon conviction, is subject to a fine of not less than \$5 or more than \$50 for each separate offense. (P.L.L., 1860, Art. 21, sec. 232; 1888, Art. 22, sec. 335; 1930, sec. 703; 1957 Code, sec. 514; 1970, ch. 18; 1970 ed. sec. 27-1; 1984, ch. 289; 1984 ed. sec. 7-101; 1991, ch. 211)

7-102. Obstructing county road.

A person may not encroach upon or obstruct the county roads. (P.L.L., 1888, Art. 22, sec. 337; 1930, sec. 705; 1957 Code, sec. 515; 1880, ch. 311; 1970 ed. sec. 27-2; 1984 ch. 289; 1984 ed. sec. 7-102; 1991, ch. 211)

7-103. Obstructing county road; penalty.

Upon conviction, any person who alters, changes, or in any manner obstructs or encroaches on any of the roads, or cuts down, or destroys, defaces, or injures any of the bridges, causeways, boundaries, marks, directions, or other establishment relating to county roads, shall be fined not more than \$25, according to the nature and degree of the offense. (P.L.L., 1860, Art. 21, sec. 234; 1888, Art. 22, sec. 338; 1930, sec. 706; 1957 Code, sec. 516; 1970 ed. sec. 27-3; 1984, ch. 289; 1984 ed. sec. 7-103; 1991, ch. 211)

7-104. Same; by setting out fences.

(a) *Survey.* Upon complaint of 1 or more taxpayers of the county to the County Commissioners of any person having encroached upon or obstructed the county roads by setting out fences, or hauling or throwing obstructions on the roads, the County Commissioners shall direct that a survey of the road be performed and the correct location of the center line be ascertained.

(b) *Order.* After marking with stakes the outside lines of the road as originally laid out, the county surveyor shall report to the County Commissioners, at their next meeting, the name of the person who has encroached upon with fences or otherwise obstructed the road. The County Commissioners shall then pass an order notifying that person to set back the fences so as to give to the road its legal width, or to remove the obstructions, as the case may be, and place a copy of the order in the hands of the Sheriff of the county. The Sheriff shall notify the person to whom the notice is directed, by reading it to him, and return the order to the Commissioners, with the day and date of the giving of the notice to the person mentioned in it, endorsed upon it. (P.L.L., 1888, Art. 22, sec. 339; 1930, sec. 707; 1957 Code, sec. 517; 1880, ch. 311; 1970 ed. sec. 27-4; 1984, ch. 289; 1984 ed. sec. 7-104; 1991, ch. 211)

7-105. Removal of weeds, etc.

All persons who own improved lands along or adjacent to any or [of] the improved public highways or roads of Washington County shall cut down and remove from and along such roads and highways all briars, undergrowth, bushes, and weeds on or before June 15 in each year. Upon the failure of any land owner to comply with the provisions of this section, the County Commissioners, at the expense of the county, shall have such briars, undergrowth, bushes, and weeds cut and removed. The County Commissioners shall be reimbursed for all costs and reasonable expenses necessarily incurred in this work, to be recovered from the party or parties delaying or refusing to cut and remove the briars, undergrowth, bushes, and weeds in the same manner as debts of like amounts are recoverable. (P.L.L., 1930, Art. 22, sec. 708; 1957 Code, sec. 518; 1924, ch. 520; 1966, ch. 332; 1970 ed. sec. 27-5; 1984, ch. 289; 1984 ed. sec. 7-105; 1991, ch. 211)

7-106. Removal of weeds; penalty.

Upon refusal or neglect of a person to comply with the orders of the County Commissioners within 90 days from the date of the notice as returned by the Sheriff, that person is guilty of a misdemeanor and, upon conviction, shall be fined \$5 per day for every day that the fence or other obstruction remains after the expiration of 90 days from the date of the giving of the notice, together with all costs incurred. The fine is to be recovered in the manner provided by law for the recovery of fines, penalties and forfeitures. If the conviction occurs in a circuit court proceeding, the fine shall be paid to the County Commissioners for the use of the roads of the county. (P.L.L., 1888, Art. 22, sec. 340; 1930, sec. 709; 1957 Code, sec. 519; 1880, ch. 311; 1974, ch. 797, sec. 27-6; 1970 ed. sec. 27-6; 1984, ch. 289; 1984 ed. sec. 7-106; 1991, ch. 211)

7-107. Obstructions on roads; penalty.

(a) ***Prohibited.*** A person is guilty of a misdemeanor if that person places an obstruction on any of the public highways, roads, bridges, streets, avenues, lanes, or alleys of Washington County; interferes with or obstructs the side ditches or drains or encroaches upon them with fences or other obstructions or in any other manner, or any person or corporation, its agents or employees, exercising the business of a common carrier permitting a vehicle or steam or other engines or cars to obstruct any crossing for a longer period than 10 minutes at any one time is guilty of a misdemeanor and is liable to arrest and prosecution at the instance of any road official, a road official's representatives or any taxpayer of the county. Upon conviction, the person shall be fined not less than \$10, nor more than \$100 for each offense.

(b) ***Trial; fines.*** Any person arrested under this section has the right to elect that the person's case be sent to the Circuit Court for trial. All fines collected under this section shall be paid into the General Road and Bridge Fund of the county if the conviction is rendered before the Circuit Court. (1970 ed. sec. 27-11; 1974, ch. 797, sec. 27-11; 1984, ch. 289; 1984 ed. sec. 7-107; 1991, ch. 211)

Subtitle 2. Powers and Duties of County Commissioners

7-201. Roads less than 30 feet in width.

The County Commissioners may construct any road, to be opened for the use of the public, less than 30 feet wide if in the judgment of the examiners such width will be sufficient for the public use. (P.L.L., 1888, Art. 22, sec. 342; 1930, sec. 711; 1957 Code, sec. 520; 1874, ch. 356; 1970 ed. sec. 27; 1984, ch. 289; 1984 ed. sec. 7-201; 1991, ch. 211)

7-202. Control over roads, bridges.

The County Commissioners, in addition to their other powers and duties under the law, shall have charge and control over all the county roads, streets, alleys, highways, and bridges and all matters pertaining to them, in accordance with the provisions of §§ 7-202 through 7-205, 7-301, and 7-302 of this title. (1959, ch. 590, sec. 521; 1970 ed. sec. 27-8; 1984, ch. 289; 1984 ed. sec. 7-202; 1991, ch. 211)

7-203. Same; meetings, records, contracts.

(a) **Meetings.** The County Commissioners shall meet once each week at the office of the County Commissioners and may hold other meetings required for the proper discharge of their duties.

(b) **Journal.** They shall keep a journal of proceedings in which shall be entered all of their proceedings in detail, the correctness of which is to be attested each week by the President and the Clerk of the County Commissioners.

(c) **Records.** They shall also keep books showing in detail the expenditures of money from the General Road and Bridge Fund on account of the roads and bridges and by which books the conditions of the General Road and Bridge Fund may be readily seen at any time. The books and records shall be open to the inspection of any county taxpayer.

(d) **Books.** They shall annually compile statistics relating to the public roads of Washington County and cause that information to be printed or published in one or more of the county newspapers. All maps, plans and statistics collected and compiled under their directions shall be preserved in their office and all contracts, agreements, grants and licenses made or entered into by the County Commissioners shall be recorded in books kept for that purpose, which shall always be open to the inspection of the public. The original copies of all reports to the County Commissioners and other papers not recorded shall be preserved in the office.

(e) **Copies of proceedings.** Copies of the contracts, agreements, grants, and licenses recorded and of the records of the proceedings of the County Commissioners, when duly certified by the Clerk and the President of the County Commissioners, shall be accepted as evidence in all courts of this State.

(f) **Regulations.** The County Commissioners may adopt regulations, which have the force and effect of law, governing the time and method of paying for labor engaged on the county roads, the making of the payroll by the Road Engineer, and the books of accounts to be kept by him. The County Commissioners, by their regulations, may require any person employed, or to whom a contract has been let by the Road Engineer, to give bond conditioned upon the faithful discharge of their duties in such penalty as may be prescribed in it, and with the further power to alter, repeal, modify, and change the regulations as they see fit.

(g) **Inspection of books.** All books and accounts in the office of the Road Engineer and in the office of the County Commissioners shall be open to inspection by any taxpayer of the county.

(h) **Expenditures.** All office expenses, cost of books, necessary filing devices, and stationery shall be paid out of the General Road and Bridge Fund. (1959, ch. 590, sec. 522; 1970 ed. sec. 27-9; 1984, ch. 289; 1984 ed. sec. 7-203; 1991, ch. 211)

7-204. Same; signposts, contracts, regulations.

(a) **Signposts; road names.** The County Commissioners may have signposts placed at road crossings or intersections designating the distance to the nearest prominent point and, subject to § 7-208 of this subtitle, may give suitable names to the county roads and change them as they see fit.

(b) **Maintenance.** The County Commissioners may let out the repair or maintenance of any road or portion of road by contract, when, in the Road Engineer's judgment, that course is advisable. In that case preference shall be given, where practicable to the owners of the land directly interested in the proper care of the road or roads, and the work shall be done under the supervision of the Road Engineer.

(c) **Contracts.** All contracts made by the County Commissioners for the repair or construction of roads or bridges shall be reduced to writing and all payments shall be subject to the approval by the Road Engineer of the work done under the contract.

(d) **Bids.**

(1) Whenever work on any road or bridge involves an outlay of \$5,000 or more, plans and specifications for them shall be prepared by the Road Engineer or someone designated by the Road Engineer.

(2) Bids for the work shall be prepared by the Road Engineer and shall be invited by publication at least once a week for 2 successive weeks in such daily paper or papers the County Commissioners designate or by advertisement through electronic media. The County Commissioners do not have to have any work done by contract if, after bids have been received and opened, it is found that the same work can be done at less expense by direct employment of the required labor or if an emergency exists of such nature as to require the speedy repair or replacement of a county road, street, alley, highway, or bridge or other construction in connection with it. This subsection does not require bids when the work is to be done by the County Roads Department.

(e) **Regulations.** The County Commissioners may adopt regulations regarding the use of the roads, streets, avenues, lanes, alleys, and bridges of the county by telephone and telegraph companies, steam railroads and street railways companies, gas, water and electric light companies, and similar uses, and by individuals and the traveling public. The County Commissioners may adopt regulations they consider necessary for the proper protection of the

roads, streets, avenues, lanes, alleys, bridges of the county and the rights of the public in them. They may impose reasonable penalties for the violation of the regulations and may make other necessary provisions for their enforcement. All regulations, when adopted and recorded in a book or books kept for the purpose, shall have the force and effect of law.

(f) **Enforcement.** The police of the county are charged with the duty of enforcing all the regulations. In addition to other methods of enforcement of all these regulations, the County Commissioners may apply to the courts of equity of the State for an injunction to enforce compliance. In this case, it is not necessary to make other jurisdictional averment than the threatened breach of these regulations, and the courts may grant these injunctions on the allegations being made. A certified copy of these regulations is proper evidence in any of the courts of the State. (1959 ch. 590, sec. 523; 1970 ed. sec. 27-10; 1974, ch. 797, sec. 27-10(f); 1984, ch. 289; 1984 ed. sec. 7-204; 1991, ch. 211; 1996, ch. 61)

7-205. Levy for roads; borrowing power.

(a) **Levy for roads.** The County Commissioners shall levy, annually, upon the assessable property of the county, at the time for making the county levy, a rate sufficient to pay the interest and the proper amount on the principal of any outstanding road bonds, a rate sufficient to pay the State Highway Administration the amount due for lateral roads or other plans for State aid for road purposes, and a rate to be set by the County Commissioners, not to exceed 40 cents on \$100.

(b) **Road and Bridge Fund.** The tax so levied and collected within the limits of all incorporated towns or cities, together with all other money receivable by Washington County for road and bridge purposes, including all fines and forfeitures on account of roads and bridges and all taxes collected on stocks and bonds not apportioned to or assessed in any district shall constitute a fund to be known as the General Road and Bridge Fund and may be expended for any lawful road or bridge purpose anywhere in Washington County and for no other purposes.

(c) **Borrowing power.** When there are insufficient funds in the county treasury set apart as the General Road and Bridge Fund to meet the demand for an emergency, the County Commissioners may borrow up to \$250,000 in 1 year, on the credit of the county, to be paid out of the road money provided in the next succeeding levy. All bills and claims on account of roads and bridges in the county shall receive the endorsement of the Road Engineer before payment and shall be passed upon by the County Commissioners at a regular or adjourned meeting. A bill or claim involving the expenditure of more than \$1,000, and a contract or agreement involving a larger expenditure from the road funds of the county may not be allowed or made except by a majority vote of the County Commissioners.

(d) **Claims.** All claims allowed and passed as aforesaid shall be approved by the President and attested by the Clerk of the County Commissioners. When so approved an order for the amount of the claim shall be drawn against the county Tax Collector who shall pay the amount out of the proper funds. (1959, ch. 590, sec. 527; 1970 ed. sec. 27-14; 1980, ch. 103; 1981, ch. 178; 1984, ch. 289; 1984 ed. sec. 7-205; 1991, ch. 211)

7-206. Special road improvement districts.

(a) ***Definitions.***

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

(2) “Special road improvement district” means an area of land in the county which has frontage on a substandard private road in which improvements to the road will be funded from special assessments imposed on all the owners of the land in proportion to the lengths of their respective frontages, designated as a special road improvement district by the County Commissioners.

(3) “Private road” means a road not previously accepted into the county road system.

(4) “Owners” means owners of property included in the district.

(b) ***Authority to create; purpose.*** The County Commissioners may create special road improvement districts within the confines of the county for the purpose of providing a method of funding the improvement of private roads in the county to county standards prior to acceptance in the county road system. Only land which fronts on the road to be improved shall be included in a district and, of such land, only so much thereof as shall have at least an average depth in one ownership of 100 feet shall be included.

(c) ***Petition by owners.*** The procedures set forth in this subtitle for the creation of a special road improvement district may only be initiated by a petition signed by the owners of the land in the proposed district having over half of the frontage on the road. The petition may be developed and the signatures obtained either by 1 or more of the owners or by the County Commissioners.

(d) ***Commissioners’ receipt of petition.*** Upon receipt of a petition or upon their own motion, if the County Commissioners developed and obtained the signatures to the petition, and before a district may be created, the County Commissioners shall:

(1) Cause an investigation to be made of the section of road to be improved; the investigation shall include a study of the condition of the road, the width of the right of way, the ownership and configuration of land fronting on the road, particularly with respect to the frontages and depths of the various tracts adjoining the road, the estimated cost of improving the road and any other matters which the County Commissioners may feel are relevant to the creation of a district; and

(2) Cause a public hearing to be held after written notice of the hearing and the purpose thereof has been published 1 time in a newspaper having general circulation in the county and after a copy of the notice has been mailed or delivered to each owner of land in the proposed district. At the hearing, all persons having an interest in the creation of the district shall be heard and be permitted to present any evidence relevant to the person's position in the matter as may be desired.

(e) ***Decision by Commissioners; appeals.*** After the public hearing is held, the County Commissioners shall decide whether a special road improvement district shall be created for the area in question, or for part of it, and, if the decision is in favor of the creation of a district, it shall cause a resolution to be passed outlining its boundaries and giving preliminary approval to the land therein as a special road improvement district. Afterwards, the same notice of its decision shall be given to the owners as was given of the public hearing. Any person aggrieved by the decision of the County Commissioners may appeal to the Circuit Court for Washington County within 10 days following receipt of the notice. If no appeal is taken within the period, the action of the County Commissioners shall be final and further appeal may not be taken.

(f) ***Commissioners' responsibilities; rescission of approval.*** Following the decision of the County Commissioners to establish a district, and after the expiration of the appeal period without an appeal being taken, the County Commissioners shall:

(1) Cause surveys to be made as well as determine the lengths of the various frontages of land abutting the road to be improved assessable under this section for the improvement of the road;

(2) Cause an advertisement for bids for the improvements to the road to be published at least 2 times in 2 successive weeks in some newspaper of general circulation in the county;

(3) Cause a notice to be mailed or otherwise delivered to all of the owners of assessable frontage on the road setting forth the names of all the owners, the lengths of their respective assessable frontages, the amount of the lowest responsible bid for the improvements and the individual amounts which the County Commissioners propose to assess as the share of each owner; and

(4) Pass a resolution rescinding previously given approval if, within the period of 15 days following the mailing or delivery of the last of the notices provided in paragraph (3) of this subsection, a petition against the creation of the district, signed by over 75 percent of the owners, is received by the County Commissioners; if so received, the district may not be created. If no petition is received by the County Commissioners within the 15-day period, it shall pass a resolution making final the preliminary approval and the district will then be in existence.

(g) ***Billing for improvements; liens.*** Following the final creation of the district, the County Commissioners shall bill each of the owners for the amount of the owner's respective share of the costs of the improvements, and the amount of each share shall be a lien against so much of the land and property of each owner as lies within the boundaries of the district in the same manner that real property taxes are liens on the property against which they are assessed. The County Commissioners may collect the shares from each of the owners and, in so doing, have the same powers as now are, or in the future may be, available to them for the collection of real property taxes.

(h) ***Commissioners' authority; acceptance of road.*** All matters relating to the work to be done in improving any private road under the provisions of this section, including scheduling, shall be under the sole control and supervision of the County Commissioners and, in the matter of scheduling them, the County Commissioners may defer the awarding of a contract for the work until all of the shares are collected by them. At no later than the completion of the work, the road shall be accepted into the county road system. (1970 ed. sec. 27-15; 1977, ch. 664; 1984, ch. 289; 1984 ed. sec. 7-206; 1991, ch. 211)

7-207. Property owners' share of cost.

Property owners within a public road improvement district shall pay their share of the cost of road improvements on the basis of front footage, per lot, or in any other manner as determined by the County Commissioners. (1970 ed. sec. 27-16; 1981, ch. 178; 1984, ch. 289; 1984 ed. sec. 7-207; 1991, ch. 211)

7-208. Change of road name; procedure.

After notice of change has been advertised and a public hearing has been held on the proposed change, the County Commissioners may:

- (1) Change the name of streets and roads in the county;
- (2) Assign street or road address numbers to structures or other property along county roads or streets; and
- (3) Adopt ordinances or regulations concerning the names of streets and roads and numbers of structures. (1985, ch. 72; 1991, ch. 211)

Subtitle 3. Road Engineer

7-301. Road Engineer; removal, duties.

(a) ***Tenure.*** The Road Engineer shall be directly answerable to the County Commissioners for the faithful and efficient discharge of the Road Engineer's duties. The County Commissioners may remove the Road Engineer from office for willful neglect of duty, inefficiency, dishonesty, conduct prejudicial to the best interests of the county, or other cause

that impairs the Road Engineer's usefulness in the administration of county affairs relating to roads.

(b) **Powers.** The Road Engineer shall be responsible to the County Commissioners for the proper expenditure of all money collected, by levy or otherwise, for county roads and bridge purposes. Subject to the approval of the County Commissioners, the Road Engineer may employ foremen, mechanics, laborers, teams, trucks, crushers, engines, rollers, and other equipment or appliances the Road Engineer considers necessary for the proper construction, care, and maintenance of the county roads; and the Road Engineer shall fix their wages or hire. The Road Engineer shall have control and supervision of the operation, preservation, and repair of all road making and road maintaining machinery and equipment owned by the county. Subject to the approval of the County Commissioners, the Road Engineer may appoint assistants, inspectors, and clerks the Road Engineer considers necessary; and the Road Engineer shall fix their salaries.

(c) **Bids.** When the Road Engineer believes any purchase will exceed \$1,000, the Road Engineer shall first present a requisition to the County Commissioners for their approval and the County Commissioners shall immediately act on it. When they give their written approval, the purchase shall be made by the Road Engineer, after requesting bids whenever in the Road Engineer's judgment the public interest will be better served by the Road Engineer's so doing. The bill for the purchase, together with the requisition approved by the County Commissioners, with a memorandum of any bids received attached to it, shall be immediately presented by the Road Engineer to the County Commissioners for payment. Bills shall be paid promptly with a view of securing the largest possible discount.

(d) **Books and papers.** Requisitions, receipted bills, and all other original papers and accounts shall be preserved in the office of the County Commissioners and shall be open to the inspection of any taxpayer of Washington County.

(e) **Inspections.** The Road Engineer shall inspect the roads and bridges of the county as often as necessary to become thoroughly familiar with the condition and requirements of the county in general and make such special examinations and reports as the County Commissioners require. The Road Engineer may suspend work being done by contract if in the Road Engineer's judgment it is not being done in accordance with the contract. The County Commissioners, when work is done by contract, shall make no payment except upon the written certificate of the Road Engineer that the work has been done in conformity with the contract.

(f) **Report.** The Road Engineer shall annually, within 90 days after the beginning of each fiscal year, make a written report to the County Commissioners covering the condition of the county roads and bridges and the improvements that have been made in the 12 months ending on the last day of the preceding fiscal year. The report shall contain a concise statement of the amount of money expended from each district fund and from the General Road and Bridge Fund and for what items.

(g) **Budget; plats.** At least 30 days before the end of each fiscal year, the Road Engineer shall submit a written report or budget, supplemented with whatever plats the Road Engineer sees fit, to the County Commissioners. The report or budget shall embrace a comprehensive plan of road and bridge work, repair and construction in Washington County for the ensuing fiscal year, showing approximately the General Road and Bridge Fund and other available funds, how they are to be expended and the character of the repairs, and the new construction, and the estimated cost of each item, and what proportion of the road money is for new construction, and what proportion is for maintenance, and repairs, and what proportion is set apart and reserved for salaries, incidentals, and contingencies. The County Commissioners on or before the first day of the new fiscal year, may reduce or modify any item in the comprehensive plan of the Road Engineer. (1959, ch. 590, sec. 525; 1970 ed. sec. 27-12; 1984, ch. 289; 1984 ed. sec. 7-301; 1991, ch. 211)

7-302. Same; bond, salary.

The Road Engineer shall give bond to the County Commissioners conditioned upon the faithful discharge of the Road Engineer's duties and the protection of the County Commissioners of the loss or damage by reason of any acts, default, neglect, or false or fraudulent statement of the Road Engineer whatsoever in the penal sum of \$15,000. The Road Engineer may not have any pecuniary interest in the affairs of any person, company, or corporation from whom or which the Road Engineer makes any purchase or with whom or which the County Commissioners make any contracts, in respect to county roads and bridges, or in any contract in relation to them. The Road Engineer shall receive a salary as set by the County Commissioners and up to \$800 to meet the traveling expenses and the expenses incurred in the discharge of the duties of the office. All of these funds shall be paid from the General Road and Bridge Fund. (1959, ch. 590, sec. 526; 1970 ed. sec. 27-13; 1984, ch. 289; 1984 ed. sec. 7-302; 1991, ch. 211)

Title 8. Electrical Apparatus and Wiring

Subtitle 1. Electrical Apparatus and Wiring

- 8-101. Board appointed; qualifications, tenure.
- 8-102. Oath; officers; bylaws.
- 8-103. Compensation of Board members.
- 8-104. Meetings of Board; regulations.
- 8-105. Master Electrician; definition, license.
- 8-106. License required; examination; appeals; certificate of insurance.
- 8-107. Certificate of insurance required; license fees.
- 8-108. Renewal of licenses.
- 8-109. Revocation of license.
- 8-110. Display of license.
- 8-111. Work under supervision of Master Electrician.
- 8-112. Unlicensed person doing work; penalty.
- 8-113. License not transferable.
- 8-114. Fees; disposition.
- 8-115. Occupations not covered by subtitle.
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- 8-117. Restricted Electrician license; issue.
- 8-118. Severability.

Subtitle 1. Electrical Apparatus and Wiring

8-101. Board appointed; qualifications, tenure.

(a) ***Appointed.*** The County Commissioners shall appoint a Board of Examiners and Supervisors, consisting of 5 individuals, for the purpose of examining into the qualifications and capabilities of all individuals who are engaged or desire to engage in the business of Master Electrician as defined in this subtitle.

(b) ***Membership.*** The Board shall consist of 4 competent individuals who are familiar with the electrical business. Those individuals shall have been residents of the county for at least 5 years. One individual shall be selected from an electric public utility company doing business in Washington County, 2 individuals shall be from among the duly licensed Master Electricians in the county, and 1 member shall be appointed at-large. Their term of office shall be for 2 years.

(c) ***Volunteer Fire Company.*** The fifth member shall be designated by the Washington County Fire and Rescue Association and shall be an active member of a Volunteer Fire Company in the county. The term of office of this member is 2 years.

(d) ***Vacancy.*** Should a vacancy occur during the term of any member, the County Commissioners shall appoint an individual to fill the vacant position. The County Commissioners may remove any member of the Board for incompetency or improper conduct upon satisfactory evidence being presented to it of the condition. (1957 Code, sec. 208; 1951, ch. 328, sec. 179A; 1970 ed. sec. 12-1; 1984, ch. 289; 1984 ed. sec. 8-101; 1986, ch. 586; 1990, ch. 37; 1991, ch. 211)

8-102. Oath; officers; bylaws.

The members of the Board shall take and subscribe the oath required by other State officers. They may elect out of their number a President, Secretary, and Treasurer, and adopt the rules and bylaws for the transaction of business of the Board that they consider necessary. (1957 Code, sec. 209; 1951, ch. 328, sec. 179B; 1970 ed. sec. 12-2; 1984, ch. 289; 1984 ed. sec. 8-102; 1991, ch. 211)

8-103. Compensation of Board members.

(a) ***Compensation.***

(1) Each member of the Board shall receive compensation of \$30 per day subject to a maximum of \$300 per year for actual service in attending meetings of the Board.

(2) The compensation shall be paid by the County Commissioners.

(3) The Secretary of the Board may receive additional compensation as the Board considers just and reasonable, subject to the bylaws of the Board.

(b) ***Source of funds.*** The compensation and expenses of the Board may not be paid out of the funds in the State Treasury or become a charge against the State. (1957 Code, sec. 210; 1951, ch. 328, sec. 179C; 1955, ch. 229, sec. 179C; 1970 ed. sec. 12-3; 1984, ch. 289; 1984 ed. sec. 8-103; 1986, ch. 586; 1991, ch. 211; 1993, ch. 32)

8-104. Meetings of Board; regulations.

(a) ***Meetings.*** The Board shall meet at least quarterly in each year in Hagerstown and shall hold special meetings as frequently as the proper and efficient discharge of its business requires.

(b) ***Regulations.***

(1) The Board shall adopt regulations for:

(i) The examinations and licensing of Master Electricians;

(ii) The approval of reciprocal licensing agreements with other municipalities and local governments with similar regulation;

(iii) The enforcement of codes and certain permitting issues related to electrical work, including the adjudication of disputes;

(iv) Providing timely notice of meetings to those who have made application for a license; and

(v) The placement, installation, and operation of electrical wires, appliances, apparatus, or construction in, upon, and about buildings in Washington County.

(2) (i) Prior to the adoption of any new or amended regulations by the Board, the County Commissioners shall review the regulations.

(ii) The County Commissioners may either approve or reject the regulations following their review in subparagraph (i) of this paragraph.

(3) (i) If the County Commissioners approve the regulations as provided in paragraph (2) of this subsection and the Board adopts these regulations, the regulations have the same force and effect as law.

(ii) If the County Commissioners reject the regulations as provided in paragraph (2) of this subsection, the Board may not adopt the regulations.

(4) The Board shall give notice of the adoption of new or amended regulations. (1957 Code, sec. 211; 1951, ch. 328, sec. 179D; 1970 ed. sec. 12-4; 1984, ch. 289; 1984 ed. sec. 8-104; 1991, ch. 211; 2005, ch. 75)

8-105. Master Electrician; definition, license.

(a) **Defined.** In this subtitle, Master Electrician means and includes any and all individuals engaged in the business of, or holding themselves out to the public as engaged in the business of installing, erecting, or repairing, or contracting to install, erect, or repair electric wires or conductors that are used for the transmission of electric current for electric light, heat, or power purposes, or moldings, ducts, raceways, or conduits for the reception or protection of such wires or conductors, or to any electrical machinery, apparatus, devices, or fixtures to be used for electric light, heat, or power purposes.

(b) **Representation.** A “Master Electrician” license issued in accordance with the provisions of this subtitle entitles any licensed individual to engage in the business of and to hold himself out to the public as engaged in the business of installing, erecting, and repairing and of contracting to install, erect, and repair any electric wires or conductors, etc.

(c) **Not applicable.** This subtitle does not apply to any firm or corporation if the individual managing and in charge of the electrical work for the firm or corporation is a Master Electrician licensed under this subtitle. (1957 Code, sec. 212; 1951, ch. 328, sec. 179E; 1970 ed. sec. 12-5; 1984, ch. 289; 1984 ed. sec. 8-105; 1986, ch. 586; 1991, ch. 211)

8-106. License required; examination; appeals; certificate of insurance.

(a) ***Examination.***

(1) (i) Before any individual engages in the business of a Master Electrician in Washington County, that individual shall apply to the Board for a license examination.

(ii) The Board shall hold license examinations 4 times annually at a time and place determined by the Board.

(iii) An applicant shall file a license application with work experience verification letters and an examination fee of \$50 at least 30 days before the examination date. The examination fee is not refundable.

(iv) An applicant shall take and pass an objective written examination to determine fitness for a license.

(v) The passing grade for the examination shall be 70 percent.

(vi) The examination shall require knowledge of all applicable codes, laws, rules, and principles of electrical installations.

(2) (i) The Board may not grant a license to an applicant who:

1. Is under the age of 21 years; or

2. Has not taken and subscribed an oath that the applicant has been regularly and principally employed or engaged in electrical construction, installation, and repair of all types of electrical equipment and apparatus for a period of not less than 7 years preceding the date of the application, under the direction and supervision of a Master Electrician, 3 years during which the applicant supervised or was actively in charge of electrical installation work.

(ii) An applicant's work experience shall be verified by letters from qualified supervisory personnel of present or previous employers of the applicant. The letters shall be on letterhead of the employer and shall be under affidavit.

(iii) An applicant shall file the work experience verification letters with the applicant's license application.

(iv) The Board shall review the work experience verification letters to determine if, in the opinion of the Board, the applicant has had sufficient practical experience for a license as a Master Electrician.

(3) (i) The Board shall issue a license to an applicant if:

1. The applicant passes the examination;
2. The Board determines after review of the applicant's work experience verification letters that the applicant has had sufficient practical experience;
3. The applicant pays the fee; and
4. The applicant delivers to the Board a certificate of insurance that meets the requirements of § 8-107 of this title.

(ii) If an applicant meets the requirements of subparagraph (i) of this paragraph, the Board shall register the applicant as a duly licensed Master Electrician for a term of 3 years.

(iii) The Board shall issue the license in the individual's name only.

(b) **Arbitration; deposit.** An individual whose application for a license has been rejected by the Board has the right to appeal to a Board of Arbitration. The Board of Arbitration shall consist of 1 member selected by the individual making the appeal and 1 member selected by the Board. These 2 members shall select a third member, and the decision of a majority of the Board of Arbitration shall be final and binding upon all of the parties to the appeal. The members of the Board of Arbitration shall be paid \$50 each, which sum shall be deposited with the Board by the individual taking the appeal. If the Board of Arbitration affirms the decision of the Board, the deposited money shall be used to pay the Board of Arbitration. If, however, the decision is reversed, the Board of Arbitration shall be paid by the County Commissioners and the deposit shall be returned. (1957 Code, sec. 213; 1951, ch. 328, sec. 179F; 1970 ed. sec. 12-6; 1984, ch. 289; 1984 ed. sec. 8-106; 1986, ch. 586; 1988, ch. 60; 1991, ch. 211; 1993, ch. 32; 1994, ch. 43; 1996, ch. 295; 1997, ch. 686)

8-107. Certificate of insurance required; license fees.

(a) **Liability insurance.**

(1) Before the issuance or the renewal of a Master Electrician's license, an individual shall deliver to the Board a certificate of comprehensive general liability insurance, including completed operations coverage, with limits of \$300,000 for bodily injury and \$100,000 for property damage.

(2) The certificate of insurance shall be issued to the "Board of Electrical Examiners and Supervisors of Washington County" with the applicant's name appearing on the certificate.

(3) A holder of a Master Electrician's license shall forward any notice of cancellation of insurance to the Board within 10 days of the cancellation date.

(4) Insurance obtained in compliance with this section shall relieve the applicant for a Master Electrician's license from any requirement to furnish a separate surety bond.

(5) An applicant for a Restricted Electrician's license shall also comply with the insurance requirements of this section.

(6) Holders of an inactive Master Electrician's license are exempt from the insurance requirements of this subsection.

(b) **License fees.** The fees shall be:

(1) Active and renewal license - \$150;

(2) Inactive license - \$50;

(3) Fee to reactivate license - \$50 for each of the remaining years in the licensing period, the total not to exceed \$150;

(4) Late payment penalty - \$100; and

(5) Active license for those individuals who become eligible for a license after the beginning of a licensing period - \$50 for each remaining year or part of a year in the licensing period. (1988, ch. 60; 1991, ch. 211; 1993, ch. 32; 1996, ch. 295)

8-108. Renewal of licenses.

(a) **Expiration of licenses.** An active license expires on the third December 31 after its effective date and is renewable every 3 years upon payment of the fee and delivery of the certificate of insurance, unless the Board has revoked the license.

(b) **Inactive status.** An individual who holds a valid electrical license may go on inactive status, during which time the licensee may not engage in electrical contracting in Washington County. An inactive license expires on the third December 31 after its effective date and is renewable every 3 years upon payment of the inactive license fee. Insurance is not required while the license is inactive. After 2 years of inactive status, a licensee must pass a written electrical examination before the license may be reactivated unless the licensee submits to the Board a letter from an employer of the licensee, certifying that, during inactive status, the licensee has been performing electrical work.

(c) **Reactivation.** A licensee may reactivate a license upon a written request to the Board and payment of the reactivating fee and delivery of a certificate of insurance as required by § 8-107 of this subtitle. (1986, ch. 586; 1988, ch. 60; 1991, ch. 211; 1993, ch. 32; 1994, ch. 43)

8-109. Revocation of license.

The Board may revoke or suspend for proper cause any license or license renewal after a full hearing of all parties in interest. (1957 Code, sec. 215; 1951, ch. 328, sec. 179H; 1970 ed. sec. 12-8; 1984, ch. 289; 1984 ed. sec. 8-109; 1988, ch. 60; 1991, ch. 211; 1996, ch. 295)

8-110. Display of license.

The electrician of record shall present the electrician's license or card at the request of the electrical inspector. (1957 Code, sec. 217; 1951, ch. 328, sec. 179J; 1970 ed. sec. 12-10; 1984, ch. 289; 1984 ed. sec. 8-110; 1986, ch. 586; 1991, ch. 211; 1993, ch. 32; 1996, ch. 295)

8-111. Work under supervision of Master Electrician.

This subtitle may not be construed to prevent any individual from doing or performing any of the kinds of work enumerated in this subtitle if that work is performed under the direction and supervision of a duly licensed Master Electrician. The licensed electrician shall be responsible for any and all work done under the licensed electrician's direction and supervision. Any person working under the authority of a Master Electrician's license shall be the employee of the licensed Master Electrician and shall work under the direct supervision of the licensed Master Electrician. (1957 Code, sec. 218; 1951, ch. 328, sec. 179K; 1970 ed. sec. 12-11; 1984, ch. 289; 1984 ed. sec. 8-111; 1986, ch. 586; 1988, ch. 60; 1991, ch. 211)

8-112. Unlicensed person doing work; penalty.

(a) ***Prohibited acts.*** A person is guilty of a misdemeanor who:

- (1) Practices, engages, or continues in the work of a Master Electrician without compliance with all the provisions of this subtitle;
- (2) Is not licensed as Master Electrician;
- (3) Does or performs any such work except under the direction of a Master Electrician;
- (4) Has been licensed as a Master Electrician and who fails to renew his license and does or performs any such work; and
- (5) Violates any of the provisions of this subtitle.

(b) ***Penalties.***

- (1) Upon conviction, the person shall be fined not less than \$250 nor more than \$1,000 or imprisoned not more than 90 days, or both.

(2) Any conviction automatically shall revoke and annul any license that may have been issued to that person. (1957 Code, sec. 219; 1951, ch. 328, sec. 179L; 1970 ed. sec. 12-12; 1984, ch. 289; 1984 ed. sec. 8-112; 1986, ch. 586; 1991, ch. 211; 1993, ch. 32)

8-113. License not transferable.

(a) ***In general.*** A license or license renewal granted or issued under the provisions of this subtitle is not assignable or transferable, and the license or license renewal shall specify the name of the individual to whom it is issued.

(b) ***Unlicensed electricians.*** An unlicensed individual, firm, or corporation may not obtain a permit to perform electrical work under the authority of a licensee. (1957 Code, sec. 220; 1951, ch. 328, sec. 179M; 1970 ed. sec. 12-13; 1984, ch. 289; 1984 ed. sec. 8-113; 1986, ch. 586; 1991, ch. 211)

8-114. Fees; disposition.

All fees collected under the provisions of this subtitle shall be collected by the Washington County Department of Permits and Inspections. (1957 Code, sec. 221; 1951, ch. 328, sec. 179N; 1970 ed. sec. 12-13; 1984, ch. 289; 1984 ed. sec. 8-114; 1991, ch. 211; 1993, ch. 32)

8-115. Occupations not covered by subtitle.

This subtitle does not apply to any electrical light company, electric railway company, steam railway company, telegraph or telephone company, nor to those persons, whether employees or not, performing electrical work for those companies. (1957 Code, sec. 223; 1951, ch. 328, sec. 179P; 1970 ed. sec. 12-16; 1984, ch. 289; 1984 ed. sec. 8-116; 1991, ch. 211; 1993, ch. 32)

8-116. Meter cut-in certificates required.

(a) ***Meter cut-in certificate.*** An electric light or power company may not attach its power lines or electric meters to any consumer's property within the borders of Washington County unless and until a temporary or permanent meter cut-in certificate has been issued by the Washington County Department of Permits and Inspections.

(b) ***Card.*** The Washington County Department of Permits and Inspections shall issue a meter cut-in card to the power or electric company furnishing the electricity to the consumer's property. (1957 Code, sec. 224; 1951, ch. 328, sec. 179Q; 1970 ed. sec. 12-17; 1984, ch. 289; 1984 ed. sec. 8-117; 1991, ch. 211; 1993, ch. 32)

8-117. Restricted Electrician license; issue.

(a) ***Restricted Electrician license.*** The Board shall also examine into the qualifications and capabilities of all persons who are engaged or desire to engage in limited fields of electrical work.

(b) ***Issued.***

(1) Persons found properly qualified by the Board shall be issued Restricted Electrician licenses which shall be designated as such and shall contain the name of the particular fields of electrical work in which the persons are qualified.

(2) The Board may not grant a Restricted Electrician license to an applicant who:

(i) Is under the age of 21 years; or

(ii) Has not taken and subscribed an oath that the applicant has been regularly and principally employed or engaged, for a period of at least 4 years preceding the date of the application, in electrical installation and repair of the particular category of electrical equipment and apparatus described in subsection (d) of this section for which the applicant is to be licensed.

(c) ***Certain electrical wiring installation authorized.*** A licensed Restricted Electrician may install electrical wiring from the point of distribution to, and including, the equipment or appliance.

(d) ***Categories for license.*** A Restricted Electrician license may be issued for the following categories:

(1) Electrically operated heating, air-conditioning, ventilation, and refrigeration equipment utilizing oil or gas burners and temperature and control wiring;

(2) Electrically operated elevators, cranes, hoists, and pumps;

(3) Electrical display signs;

(4) Alarm systems, radio and television antennae, cable television, and telephone and low-voltage communications systems;

(5) Petroleum dispensing units (gasoline, kerosene, diesel, and aviation fuels);

(6) Household appliances;

(7) On premises electrician (plant electrician) who works only on the premises of the individual's employer which is a corporation, firm, or company not engaged in the business of electrical work; or

(8) Residential one and two family dwellings.

(e) ***Procedural process.*** All matters handled by the Board in connection with the issuance of Restricted Electrician licenses shall be dealt with in the same way and under the same rules and regulations and to the same extent as the Board uses in the issuance of Master Electrician licenses. (1957 Code, sec. 226; 1955, ch. 299, sec. 179S; 1970 ed. sec. 12-19; 1984, ch. 289; 1984 ed. sec. 8-119; 1991, ch. 211; 1993, ch. 32; 1996, ch. 295)

8-118. Severability.

If any provision of this subtitle is declared unconstitutional or the applicability of this subtitle to any person or circumstances is held invalid, the constitutionality of the remainder of the subtitle and the applicability of this subtitle to other persons and circumstances is not affected. (1996, ch. 295)

Title 9. Economic Development Commission

[Repealed 1996, Ch. 78]

Title 10. Prohibited Acts

Subtitle 1. Trespass

- 10-101. Trespass unlawful; penalty.
- 10-102. Discharging firearm near dwelling.

Subtitle 2. Loitering

- 10-201. Definitions.
- 10-202. Loitering unlawful.
- 10-203. Picketing and lawful assembly.
- 10-204. Penalty provisions; arrest.

Subtitle 3. Marriages

- 10-301. Marriages; solicitation unlawful.
- 10-302. Same; penalty.

Subtitle 4. Fire, Rescue, and Ambulance Services

- 10-401. Unauthorized fire, rescue, or ambulance service unlawful; penalty.
- 10-402. Authorized fire, rescue, and ambulance service; regulations; appropriations; loans.

Subtitle 1. Trespass

10-101. Trespass unlawful; penalty.

(a) ***Trespass unlawful.*** A person may not go on another person's land to hunt or fish against the will and without the consent of the owner or occupant.

(b) ***Consent.*** A person may not go on another person's land and injure or carry away any grain or fruit, or tear down or injure any fence, vine, tree, or wall, without first obtaining the consent of the owner or occupant of the land.

(c) ***Penalty.*** Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be fined not less than \$1 nor more than \$20 and costs. Upon refusal to pay the fine the person shall be confined in the county jail for a period not exceeding 30 days, or until the fine and costs are paid, whichever occurs first. (P.L.L., 1888, Art. 22, sec. 392; 1930, sec. 806; 1957 Code, sec. 719; 1884, ch. 376; 1970 sec. 37-1; 1970, ch. 20; 1974, ch. 797, sec. 37-1; 1984, ch. 289; 1984 ed. sec. 10-101; 1991, ch. 211)

10-102. Discharging firearm near dwelling.

Any person who shoots, fires, or discharges any gun, rifle, pistol or other firearm in such proximity to a house, residence, or other building or camp occupied or frequented by human

beings or in such proximity to farm animals and livestock as to endanger the person or property of another, without the express permission of the owner, occupant, or lessee, is guilty of a misdemeanor and upon conviction shall be sentenced to pay a fine not to exceed \$25 and costs of presentation. (1957 Code, sec. 720; 1957, ch. 169; 1970 ed. sec. 37-2; 1984, ch. 289; 1984 ed. sec. 10-102; 1991, ch. 211)

Subtitle 2. Loitering

10-201. Definitions.

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

(b) **Loiter.** “Loiter” means to stand around or remain, or to park or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this subtitle; or to collect, gather, congregate or be a member of a group or a crowd of people who are gathered together in any public place open to the public engaging in any conduct prohibited under this law.

(c) **Public place.** “Public place” means any public street, road, or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot, or any vacant lot.

(d) **Place open to the public.** “Place open to the public” means any place open to the public or any place to which the public is invited, and in, on or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemetery, or any place of amusement and entertainment whether or not a charge of admission or entry thereto is made, and including the elevator, lobby, halls, corridors and areas open to the public of any store, office, or apartment building. (1970 ed. sec. 20A-1; 1971, ch. 779, sec. 20A-1; 1984, ch. 289; 1984 ed. sec. 10-201; 1991, ch. 211)

10-202. Loitering unlawful.

(a) **Prohibited.** A person may not loiter at, on or in a public place or place open to the public so as:

(1) To interfere, impede or hinder the free passage of pedestrian or vehicular traffic; [or]

(2) To interfere with, obstruct, harass, curse, or threaten or do physical harm to another member or members of the public; or

(3) To cause, by words, acts, or other conduct, a reasonable likelihood of a breach of the peace or disorderly conduct.

(b) ***Moving on.*** A person may not loiter as defined in § 10-201 of this subtitle at a public place or place open to the public and fail to obey the direction of a uniformed police officer or the direction of a properly identified police officer not in uniform to move on, when not to obey the direction endangers the public peace. (1970 ed. sec. 20A-2; 1971, ch. 779, sec. 20A-2; 1984, ch. 289; 1984 ed. sec. 10-202; 1991, ch. 211)

10-203. Picketing and lawful assembly.

This subtitle may not be construed to prohibit orderly picketing or other lawful assembly. (1970 ed. sec. 20A-3; 1971, ch. 779, sec. 20A-3; 1984, ch. 289; 1984 ed. sec. 10-203; 1991, ch. 211)

10-204. Penalty provisions; arrest.

(a) ***Penalty provisions.*** Any person violating any of the provisions of this subtitle is guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$100 or imprisonment for not more than 10 days, or both.

(b) ***Arrest; notice of violation.*** Any police officer witnessing a violation of this ordinance, as an alternative to making an arrest, may issue to the violator a “Notice of Violation,” which, in addition to factors as required by the form of notice to be approved by the County Commissioners, shall specify the violation with which the violator is charged, and it shall set forth the hour, date, and location that the violator is summoned to appear before the District Court sitting for Washington County to answer the charge.

(c) ***Warning of violation.*** A person may not be charged with a violation of this ordinance until the arresting officer has first warned the person of the violation and the person has failed or refused to stop the violation. (1970 ed. sec. 20A-4; 1971, ch. 779, sec. 20A-4; 1984, ch. 289; 1984 ed. sec. 10-204; 1991, ch. 211)

Subtitle 3. Marriages

10-301. Marriages; solicitation unlawful.

A person may not solicit any person or persons who are contemplating matrimony in, upon, or about any public buildings, street, or highway of Washington County, for the purpose of either performing the marriage ceremony himself or of bringing, taking, or directing that person or persons contemplating matrimony to another person for the purpose of performing the marriage ceremony. (1957 Code, sec. 497; 1943, ch. 840, sec. 685A; 1970 ed. sec. 21-1; 1984, ch. 289; 1984 ed. sec. 10-301; 1991, ch. 211)

10-302. Same; penalty.

(a) ***Soliciting to perform marriage ceremony prohibited.*** A person may not loiter in, upon, or about any public building or on any street, pavement, or highway in the county for the purpose of soliciting to perform the marriage ceremony of any person or persons contemplating

matrimony, or for the purpose of soliciting to bring, take, or direct that person or persons who are contemplating matrimony to another person or persons for the performance of the ceremony of matrimony.

(b) *Penalties.* A person who violates the provisions of this subtitle is guilty of a misdemeanor and upon conviction shall be fined not less than \$10 or more than \$50 for each offense, or not more than 60 days in jail, or both. (1957 Code, sec. 498; 1943, ch. 840, sec. 685B; 1970 ed. sec. 21-2; 1984, ch. 289; 1984 ed. sec. 10-302; 1991, ch. 211)

Subtitle 4. Fire, Rescue, and Ambulance Services

10-401. Unauthorized fire, rescue, or ambulance service unlawful; penalty.

(a) *Unauthorized service unlawful.* A person or association may not provide any formally organized fire protection or fire fighting service, rescue, or ambulance service in Washington County unless a volunteer fire department, rescue department, or ambulance department is incorporated, designated, and approved and recognized by the Washington County Volunteer Fire and Rescue Association, Inc., and the County Commissioners.

(b) *Penalty.* Any person or organization convicted of violating this subtitle is subject to a fine not to exceed \$1,000 for each offense or imprisonment for a term not exceeding 6 months, or both fine and imprisonment in the discretion of the court. In addition, any person or association violating this subtitle shall be subject to being enjoined from violating this subtitle, and a civil penalty may be recovered by the County Commissioners in the amount of \$2,000 for each offense from any person violating this subtitle.

(c) *Exemption.* This subtitle does not apply to fire, rescue, and ambulance departments organized by and for service to government installations or private industry. (1989, ch. 534; 1991, ch. 211)

10-402. Authorized fire, rescue, and ambulance service; regulations; appropriations; loans.

(a) *Standards for equipment.* The County Commissioners, with the advice of the Washington County Volunteer Fire and Rescue Association, Inc., by regulations adopted by the County Commissioners, may provide specifications for equipment, service area designations, and operations in the best interest of the volunteer fire, rescue, and ambulance departments in the county. Any volunteer fire, rescue, or ambulance department which is incorporated and approved and recognized by the Washington County Volunteer Fire and Rescue Association, Inc., and the County Commissioners which does not meet the standards for equipment, service areas, or operations of the Washington County Volunteer Fire and Rescue Association, Inc., or any other criteria adopted by the County Commissioners is ineligible for any appropriations from the County Commissioners, and any appropriations may be denied, withheld, or curtailed. Any fire, rescue, or ambulance company or department failing to meet the requirements set by the County Commissioners shall suspend operations immediately after notification that a majority of the County Commissioners has directed the cessation of operations.

(b) ***Loans for purchase of equipment.*** The County Commissioners may provide loans to approved volunteer fire or rescue companies for the purchase of fire or rescue equipment, land, or buildings to be used by those companies. The loans shall be in the amounts and upon the terms as are approved by the County Commissioners. (1989, ch. 534; 1991, ch. 211)

Title 11. Animals and Traps

Subtitle 1. Animals

11-101. Definitions.

11-102. Horses, at large.

Subtitle 2. Traps

11-201. Traps; permission required, how set.

11-202. Enforcement of law; penalty.

Subtitle 1. Animals

11-101. Definitions.

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

(b) **Animal shelter.** “Animal shelter” means any facility owned by, operated by, or under contract to Washington County for the purpose of caring for animals.

(c) **At large.** “At large” means off the premises of the owner and not under the control of the owner or a responsible person.

(d) **Sheriff.** “Sheriff” includes deputy sheriffs. (1970 ed. sec. 1A-1; 1982, ch. 72; 1984, ch. 289; 1984 ed. sec. 11-101; 1991, ch. 211)

11-102. Horses, at large.

(a) **Horses.** The owner of a horse may not allow the horse to be at large in Washington County.

(b) **Penalty.** If the owner of a horse violates subsection (a) of this section, the owner shall be assessed a civil penalty of \$25 for the first offense, \$100 for the second offense, and \$500 for each offense after the second offense, to be paid within 1 month of the violation.

(c) **Sheriff.** The Sheriff shall enforce the provisions of this section by serving a violation notice on a person who violates subsection (a) of this section. The notice shall state:

(1) The time, location, and nature of the violation;

(2) The amount of the civil penalty imposed and the amount to be imposed if subsequent violations occur; and

(3) The name of the court that will provide a hearing upon request.

(d) ***Impounding.***

(1) The Sheriff may also enforce this section by impounding a horse at large and by taking the horse to any animal shelter.

(2) The Sheriff who impounds a horse shall use reasonable effort to locate and notify the owner of the horse.

(3) The animal shelter shall keep the horse for not less than 10 weekdays unless the owner claims and redeems the horse prior to the 10 weekdays or unless the horse is sick or injured.

(4) The owner of an impounded horse may redeem the animal by establishing ownership and paying impoundment expenses at the animal shelter. (1970 ed. sec. 1A-2; 1982, ch. 72; 1984, ch. 289; 1984 ed. sec. 11-102; 1991, ch. 211)

Subtitle 2. Traps

11-201. Traps; permission required, how set.

(a) ***Traps.*** A person may not trap, attempt to trap, or set any steel trap, dead fall, or other device on the lands of another without the written consent of the owner. At the time of the trapping or setting of any steel trap, dead fall, or any other device, the person shall have in the person's possession a written consent and shall exhibit it to anyone demanding to examine it.

(b) ***Steel trap.*** Any person setting or placing a steel trap on someone else's lands shall set or place the steel trap not less than 18 inches within the entrance of any hole, cave, opening or hollow log, on such property so as to be inaccessible to any domestic animal, dog, or fowl.

(c) ***Seizing.*** Any person finding any trap, dead fall, or other device used for trapping purposes not set or placed as required by this section may seize and destroy the trap, dead fall, or device. (P.L.L., 1930, Art. 22, sec. 186; 1957 Code, sec. 695; 1922, ch. 249, sec. 151A; 1970 ed. sec. 35-1; 1984, ch. 289; 1984 ed. sec. 11-201; 1991, ch. 211)

11-202. Enforcement of law; penalty.

(a) ***Enforcement.*** The Sheriff, deputy sheriffs, game wardens, deputy game wardens, and all peace officers shall enforce the provisions of this subtitle and may arrest without process any person found by them in the act of violating any of the provisions of this subtitle.

(b) ***Seizing.*** They may seize, without process, any and all traps, dead falls, or other devices found in the possession of any person on someone else's premises or lands in violation of the provisions of this subtitle, and shall take the offender before a court of competent jurisdiction.

(c) **Penalty.** Any person violating the provisions of this subtitle shall pay a fine of not less than \$5 nor more than \$25 for each offense, and upon refusal to pay any fine and costs imposed by the court, the person convicted shall be confined in the county jail for a term of 1 day for every dollar of the fine and costs imposed. (P.L.L., 1930, Art. 22, sec. 187; 1957 Code, sec. 696; 1922, ch. 249, sec. 151B; 1970 ed. sec. 35-2; 1974, ch. 797, sec. 35-2; 1984, ch. 289; 1984 ed. sec. 11-202; 1991, ch. 211)

Title 12. Washington County Museum of Fine Arts

Subtitle 1. Washington County Museum of Fine Arts

12-101. Definitions.

12-102. Board; membership; terms; oath.

12-103. Powers of Board.

Subtitle 1. Washington County Museum of Fine Arts

12-101. Definitions.

- (a) **Definitions.** In this subtitle, the following words have the meanings indicated.
- (b) **Board.** “Board” means the Board of Trustees of the Washington County Museum of Fine Arts.
- (c) **Museum.** “Museum” means the Washington County Museum of Fine Arts. (1970 ed. sec. 41-1; 1983, ch. 133; 1984, ch. 289; 1984 ed. sec. 12-101; 1991, ch. 211)

12-102. Board; membership; terms; oath.

- (a) **Board of Trustees.** There is a Board of Trustees of the Washington County Museum of Fine Arts.
- (b) **Membership.** The Board consists of the following members:
 - (1) Not more than 21 trustees elected by the Board;
 - (2) As an ex officio trustee, the President of the Board of County Commissioners or a County Commissioner designated by the President;
 - (3) As an ex officio trustee, the Superintendent of Schools of Washington County or the superintendent’s designee;
 - (4) As an ex officio trustee, the Mayor of the City of Hagerstown or a City Council member designated by the Mayor;
 - (5) As honorary trustees, one or more people recognized for exceptional service to the Museum, appointed by the Board;
 - (6) As trustees emeriti, one or more former trustees whose advice and counsel is considered critical to the operation of the Museum and in recognition of the trustee’s service as an officer of the Museum, appointed by the Board; and

(7) As organizational trustees, one or more officers of auxiliary organizations of the Museum, appointed by the Board.

(c) **Term.**

(1) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, each elected trustee:

1. Serves for a term of 3 years;
2. May serve two consecutive terms; and
3. May not serve on the Board for 1 year after the last day of the trustee's second consecutive term.

(ii) Honorary trustees and trustee emeriti shall serve at the pleasure of the Board.

(iii) Organizational trustees shall serve as long as they are duly elected officers of the organization.

(iv) An ex officio trustee shall serve as long as the trustee holds the elected office that qualified the trustee for service on the Board under subsection (b) of this section.

(2) The terms of the elected trustees are staggered as required by the terms of the elected trustees serving on July 1, 1988.

(3) (i) An elected trustee serves only for the remainder of a term if the trustee is elected to fill a vacancy in an unexpired term.

(ii) An elected trustee serving in accordance with subparagraph (i) of this paragraph is eligible to serve one consecutive term after the expiration of the term the trustee filled due to vacancy.

(iii) An elected trustee who is appointed to a consecutive term in accordance with subparagraph (ii) of this paragraph may not serve for 1 year after the last day of the trustee's term.

(4) An elected trustee serves until the successor of the trustee is elected and qualifies.

(d) **Oath.** On taking office, each elected trustee shall take the oath required by Article I, § 9 of the Maryland Constitution. (1983, ch. 133; 1970 ed. sec. 41-2; 1984, ch. 289; 1984 ed. sec. 12-102; 1991, ch. 211; 1998, ch. 237; 2000, ch. 171; 2002, ch. 562)

12-103. Powers of Board.

In order to create and maintain a public museum known as the Washington County Museum of Fine Arts in the City of Hagerstown for the use of the inhabitants of Washington County, the Board may:

- (1) Purchase, acquire, lease, or hold in any manner real property that is necessary for the purposes of the museum;
- (2) Receive any money or property that is donated to the museum;
- (3) Use museum funds for property for:
 - (i) Maintenance and support of the museum;
 - (ii) Acquisition or purchase of art objects and other exhibits, and necessary equipment;
 - (iii) Educational purposes; and
 - (iv) Purposes expressed at the direction of donors if accepted by the Board;
- (4) Sell, invest, or exchange any museum property to serve the interests and welfare of the museum;
- (5) Adopt and enforce regulations for the museum;
- (6) Contract for the employment of a museum director and other necessary personnel;
- (7) Contract with the County Commissioners and the Mayor and Council of Hagerstown to receive revenue for the museum; and
- (8) Perform other acts necessary to maintain a public museum for the use of the inhabitants of Washington County. (1970 ed. sec. 41-3; 1983, ch. 133; 1984, ch. 289; 1984 ed. sec. 12-103; 1991, ch. 211)