

Expedited Bill No. 9-25
Concerning: Technical Corrections
Revised: 3/11/2025 Draft No. 1
Introduced: March 18, 2025
Enacted: April 1, 2025
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Council President

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

By amending

Montgomery County Code
Chapter 1A, Structure of County Government
Sections 1A-102 and 1A-105

Chapter 10B, Common Ownership Communities
Section 10B-17

Chapter 11, Consumer Protection
Section 11-4C

Chapter 11B, Contracts and Procurement
Section 11B-66A

Chapter 17, Electricity
Section 17-13

Chapter 18A, Environmental Sustainability
Sections 18A-45 and 18A-49

Chapter 20, Finance
Sections 20-75A, 20-76G and 20-76H

Chapter 24, Health and Sanitation
Sections 24-71, 24-83

Chapter 27, Human Rights and Civil Liberties
Section 27-15A

Chapter 29, Landlord-Tenant Relations
Article VI
Sections 29-56 and 29-58

Chapter 32, Offenses-Victim Advocate
Section 32-19D

Chapter 33, Personnel and Human Resources
Section 33-42

Chapter 35, Police
Sections 35-6 and 35-24

Chapter 48, Solid Waste
Article IX
Section 48-65

Chapter 49, Streets and Roads
Sections 49-9, 49-10, 49-26, 49-31, 49-32, and 49-51

Chapter 52, Taxation
Article IX
Sections 52-41, 52-78, 52-112, and 52-113

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|-------------------------------------|--|
| Boldface | <i>Heading or defined term.</i> |
| <u>Underlining</u> | <i>Added to existing law by original bill.</i> |
| [Single boldface brackets] | <i>Deleted from existing law by original bill.</i> |
| <u>Double underlining</u> | <i>Added by amendment.</i> |
| [[Double boldface brackets]] | <i>Deleted from existing law or the bill by amendment.</i> |
| * * * | <i>Existing law unaffected by bill.</i> |

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

Sec. 1. Sections 1A-102, 1A-105, 10B-17, 11-4C, 11B-66A, 17-13, 18A-45, 18A-49, 20-75A, 20-76G1 20-76H, 24-71, 24-83, 27-15A, 29-56, 29-58, 32-19D, 33-42, 35-6, 35-24, 48-65, 49-9, 49-10, 49-26, 49-31, 49-32, 49-51, 52-41, 52-78, 52-112, and 52-113 are amended as follows:

1A-102. Process for appointing and confirming officials.

(a) *Chief Administrative Officer, County Attorney, heads of departments and principal offices, and other non-merit positions in the Executive Branch[:].*

* * *

(5) If the Council does not act on confirmation of an appointment within 60 days, the Council may no longer vote on that appointment. Within 90 days after the end of the sixty-day period, the County Executive should either:

(A) [Resubmit] resubmit the appointment; or

(B) [Submit] submit a new appointment.

* * *

1A-105. Acting officials.

(a) *Scope.* This Section applies to acting:

(1) County Executives;

(2) Chief Administrative Officers;

(3) [Heads] heads of departments and principal offices;

(4) [Holders] holders of any other position in the Executive Branch designated by law as a non-merit position; and

(5) Executive Directors of the Office of the County Council.

* * *

(d) *Acting County Executive.*

(1) [List of Successors] List of successors.

[a.] (A) The County Executive should maintain a list of successors naming employees of the Executive Branch who may serve as acting County Executive. The list should contain at least 2 names and must describe the order of succession.

[b.] (B) In order to be effective, the County Executive must file these names with the Council and publish them in the Montgomery County Register as soon as reasonably possible.

(2) [Vacancy] Vacancy.

[a.] (A) There is a vacancy in the position of County Executive if the County Executive:

[1.] (i) [Dies] dies;

[2.] (ii) [Resigns] resigns;

[3.] (iii) [Becomes] becomes disqualified under Section 203 of the Charter or State law; or

[4.] (iv) [Is] is removed under Section 206 of the Charter or State law.

[b.] (B) If there is a vacancy in the position of County Executive, the Chief Administrative Officer is acting County Executive.

[c.] (C) If the Chief Administrative Officer is unavailable, the acting County Executive is the person designated by the list of successors.

(3) [Temporary Absence or Disability] Temporary absence or disability.

[a.] (A) The County Executive may name in writing someone in the Executive Branch who is the acting County Executive while the County Executive is temporarily absent or disabled.

[b.] (B) If the County Executive has not named someone in writing, the acting County Executive is the person designated by the list of successors.

[c.] (C) If all designated successors are unavailable, the Chief Administrative Officer is the acting County Executive.

(e) *Acting Chief Administrative Officer, heads of departments and principal offices, and other non-merit positions in the Executive Branch.*

(1) The County Executive may name an acting Chief Administrative Officer, head of a department or principal office, or any other position in the Executive Branch designated by law as a non-merit position, if:

[a.] (A) [A] a position is vacant; or

[b.] (B) [The] the incumbent is temporarily absent or disabled.

(2) The Chief Administrative Officer, heads of departments and principal offices may name their own acting successors who will serve if:

[a.] (A) [The] the County Executive has not named someone; and

[b.] (B) [The] the incumbent is temporarily absent or disabled.

(3) The head of the department or principal office names the acting successor for any department or office employee holding a position designated by law as a non-merit position if:

[a.] (A) the County Executive has not named someone; and

[b.] (B) the incumbent is temporarily absent or disabled.

(4) Except as provided for in paragraph (e)(5), if a department or principal office does not have a permanent or acting Director, the Chief Administrative Officer directly supervises the Department or principal office.

(5) The following limitations apply to acting Directors.

[a.] (A) An acting Chief Administrative Officer, acting head of a department or principal office, and an acting holder of any other position in the Executive Branch designated by law as a non-merit position, must be a County employee when named.

[b.] (B) An acting Director of the Department of Finance must be an employee of the Department.

[c.] (C) An acting County Attorney must be licensed to practice law in Maryland.

* * *

10B-17. Voting procedures.

* * *

(f) *Counting votes.* Until the time for voting closes, an association must not open or count election ballots, absentee ballots or directed proxies, and must keep all such documents in a sealed container which must not be opened or counted until the election. If an election is conducted electronically, the votes must not be disclosed or counted by anyone

until the election. The individuals counting absentee ballots or directed proxies must [insure] ensure that the individual who has been directed to cast the proxy vote was in fact in attendance at the meeting.

* * *

11-4C. Gasoline Stations – Accurate Signage Required.

(a) For purposes of this section, the following terms have the meanings indicated.

(1) *Business Regulation Article* means the Business Regulation Article of the Maryland Code, as amended.

* * *

(b) A gasoline station must:

(1) comply with Section 10-315 of the Business Regulation Article; and

(2) if the gas station posts a sign under Section [10-315(e)] 10-315 of the Business Regulation Article, include within the sign additional pricing information required under subsection (c) of this Section.

(c) A sign posted by a gas station under Section [10-315(e)(2)] 10-315 of the Business Regulation Article must include the credit price.

(d) If the lowest price under the Business Regulation Article and the credit price are the same, subsection (c) does not apply.

(e) *Alternative method of compliance - subject to sunset.*

(1) This subsection must sunset and must have no further effect 7 years after this Section takes effect.

(2) Notwithstanding any other provision of this Section, a gas station may satisfy the requirements of subsections (b) and (c) of this Section if it posts, on a sign visible to motorists and separate from

the sign required under Section [10-315(e)] 10-315 of the Business Regulation Article, the credit price.

- (3) If a gas station posts the credit price under paragraph (2) of this subsection, the letters and numerals on the separate sign must appear in the same size and font as those used on the sign posted under Section [10-315(e)] 10-315 of the Business Regulation Article.

11B-66A. Local Small Business Reserve Program – Veteran-Owned Preference Points.

* * *

- (d) *Application of Preference Points to competitive sealed proposals.* For any [Request] request for proposals issued under Section 11B-10 that has been designated for a Local Small Business Reserve, the Director must include an evaluation factor awarding additional points for a proposal from a Veteran-Owned Local Small Business worth five percent of the total available points.

* * *

17-13. License required.

- (a) Except as provided in subsection [(c)] (b), no person may engage in the business of providing electrical services for compensation in the County unless properly licensed by the State Board of Electricians.[.]

* * *

18A-45. Definitions.

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

* * *

Green Bank means the Green Bank that the County has designated to promote and support investment in climate change mitigation and adaptation

activities in the County, including clean energy technologies; resiliency, sustainability, and climate adaptive projects; and other related risk reduction activities.[.]

* * *

18A-49. Work program; staff; support from County Government.

* * *

(e) Funding sources for the Green Bank may include:

* * *

(2) County funds, including a portion of the fuel-energy tax revenue received by the County, provided that any funds given to the Green Bank under Chapter 52, Sec. 52-14 must only be used to promote the investment in clean energy technologies and to provide financing for clean energy technologies, including renewable energy and energy efficiency projects and must not be used for resiliency activities;

* * *

20-75A. Equity investments.

(a) Subject to Section 20-75, the County may make [and] an equity investment through the Economic Development Fund in a company that is located in the County or that agrees to relocate its business to the County.

* * *

20-76G. Make Office Vacancy Extinct (MOVE) - [grant] Grant program.

* * *

(c) *Eligibility.* An applicant is eligible to receive a MOVE grant, if the Director finds, based upon information submitted by the applicant that:

- (1) the applicant is the owner of either a new business in the County; an existing business located in the County seeking to expand its office space within the County; or an existing business located outside the County seeking to relocate to the County[.];

* * *

20-76H. Remedies for [fraudulent applications] Fraudulent Applications or [misuse] Misuse of [funds] Funds.

* * *

24-71. Definitions and Policy Statement.

* * *

- (a) *Definitions.* The following terms have the meanings indicated.

* * *

Intellectual and developmental disabilities or *IDD* means a severe, chronic disability of an individual that:

* * *

- (5) results in the substantial functional limitations in 3 or more of the following areas of major life activity:

* * *

(E) self-direction;

(F) capacity for independent living; and

(G) [self-direction; and]

[(H)] economic self-sufficiency.

* * *

24-83. Role of the department.

The Department must:

- [(1)] (a) provide the staff support, including administrative and

programmatic support, necessary for the Commission to perform its duties; and

[(2)] (b) monitor and administer the grants awarded under Section 24-81.

* * *

27-15A. Fair criminal history and credit screenings in rental housing.

* * *

(o) *Annual reporting.* By October 1 of each year, the Director of Office of Human Rights, must coordinate with the Director of Department of Housing and Community Affairs, to provide an annual report to the County Council that includes disaggregated data on the following:

(1) the number of complaints received by the Office of Human Rights regarding the denial of a rental [applications] application by a housing provider;

* * *

**ARTICLE VI. CENTRAL DATA COLLECTION, RENT GUIDELINES,
[and] AND RENT STABILIZATION.**

29-56. Rent stabilization – definitions.

Definitions. In Sections 29-56 through [29-61] 29-62, the following terms have the meanings indicated:

* * *

29-58. Rent increases – in general; vacant units; and limited surcharges for capital improvements.

* * *

(c) *Rent increase – vacant unit.* Subject to Method (2) regulations, the Director must [issue regulations to] determine the allowable annual rent increase for a regulated unit [previously vacant] that returns to the market for rent after being vacant[:]

[(1)] for more than 12 months[;]

[(2)] with no active lease, either by a written or oral agreement[; and]

[(3)] the unit returns to the market for rent].

* * *

32-19D. Hookah lounge, vape shop, and tobacco shop - hours of operation.

* * *

(f) *Enforcement.*

(1) The Executive may, under Method (2), adopt regulations to designate an agency or department for the implementation, administration, and enforcement of this Chapter.

* * *

33-42. Amount of pension at normal retirement date or early retirement date.

* * *

(b) *Amount of pension at normal retirement date.*

* * *

(2) Pension amount for an Integrated Retirement Plan member.

* * *

(D) For a Group F member in the integrated retirement plan who retires on a normal retirement, the annual pension must be computed as follows:

* * *

(ii) From the month the member reaches the maximum Social Security retirement benefit age: 1.65 percent of average final earnings up to the maximum of 36 years, including sick leave credits, up to the Social Security maximum covered compensation in effect on the date of retirement,

plus 2.4 percent of average final earnings above the Social Security maximum covered compensation in effect on the date of retirement, multiplied by years of credited service up to a maximum of 36 years, including sick leave credits. Years of credited service of less than one full year must be prorated. The County must increase this initial amount by the cost-of-living adjustments provided under Section 33-44(c) for the period from the member's date of retirement to the month in which the member reaches the maximum Social Security retirement benefit age. Effective January 1, 2025, the multiplier will increase to 1.8 percent of average final earnings up to a maximum of 25 years, and 1.65 percent of average final earnings for more than 25 years to a maximum of 34 years, including sick leave credit, up to the Social Security maximum covered compensation in effect on the date of retirement, plus 2.6 percent of average final earnings above the Social Security maximum covered compensation in effect on the date of retirement multiplied by years of credited service ~~[from]~~ up to 25 years, and 2.4 percent of average final earnings above the Social Security maximum covered compensation in effect on the date of retirement multiplied by years of credited service from 25 years to a maximum 34 years,

including sick leave credits.

* * *

35-6. Advisory Commission on Policing.

* * *

(c) *Composition and terms of members.*

* * *

(3) Of the public members:

(A) one member, known as the youth member, must be 25 years of age or younger at the time of appointment;[;]

* * *

35-24. Police Accountability Board.

* * *

(e) *Meetings, budget, and compensation for members.*

* * *

(3) The Board member designated to serve on the Administrative Charging Committee must serve on the Board without compensation except for the reimbursement of expenses incurred in attending meetings or carrying out other duties, including travel and dependent care costs at rates established by the County, subject to appropriation. Except for the Board member designated to serve on the Administrative [Charing] Charging Committee, the annual salary for the Chair is \$16,000 and the annual salary for each other Board member is \$10,000. The salary for each member must be adjusted on the first Monday in December by the Consumer Price Index for All Urban Consumers (CPI-U) for the Washington-Arlington-Alexandria Core Based Statistical Area (CBSA), as published by the United

States Department of Labor, Bureau of Labor Statistics, or a
successor index.

* * *

**ARTICLE IX. [Plastic Carryout Bag Reduction] PLASTIC CARRYOUT
BAG REDUCTION.**

48-65. Short Title.

This Article may be known and cited as the “Bring Your Own Bag[.] Act”.

**49-9. Removal of items that obstruct the vision of motorists on public highways
or interfere with the use of public rights-of-way.**

(a) *Notice to owner of property.* If the Director of Transportation finds that any tree, bush, vine, undergrowth, or other obstruction, except a building or similar structure affixed to the ground, on private property poses a threat to public safety by obstructing the vision of operators of vehicles traveling on any public road, interfering with the public rights-of-way as a traffic hazard, limiting access by Fire and Rescue Service vehicles, or restricting the use by pedestrians or bicyclists of the public rights-of-way, the Director promptly must serve on the owner, agent, lessee or any other person supervising the property a written notice that:

* * *

49-10. Obstruction of public rights-of-way.

Except as provided in Section 49-11, in the public right-of-way, a person must not:

* * *

(c) allow the erection or placement of any structure, fence, post, rock, or other object, except:

* * *

(3) street trees placed and maintained under Section [49-33(j)] 49-

33(i);

(4) ground cover placed and maintained under Section [49-33(k)] 49-

33(j);

* * *

49-26. Definitions.

In this Chapter, except where specified otherwise, the following words and phrases have the meanings indicated:

* * *

Construction and *constructed* include “reconstruction” and “reconstructed” but not “maintenance,” and include grading, installation of drainage structures, paving, curbs and gutters, curb returns, sidewalks and other areas intended for pedestrian access,[,] bikeways, driveway entrances, guardrails, retaining walls, sodding, and planting.

* * *

49-31. Classification of roads.

(a) In this Article and the regulations adopted under it, County area types are as follows until subsequently designated by functional plans, master plans, or sector plans:

* * *

(2) A *town center* area consists of areas with moderate to high development intensity. These areas are:

* * *

(G) Germantown Town Center urban area;[;]

(H) Glenmont urban area;[;]

(I) Grosvenor urban area;[;]

(J) Kensington urban area;[;]

(K) Langley Crossroads urban area;[;]

* * *

(P) Shady Grove urban area;

(Q) Twinbrook urban area;

* * *

49-32. Design standards for types of roads.

* * *

(h) Unless otherwise specified in a functional plan, master plan, sector plan, or the approved capital improvements program, the maximum target speed for a road [shall] must be:

* * *

49-51. Reserved.[.]

52-41. Imposition and applicability of development impact taxes.

* * *

(c) The following impact tax districts are established:

(1) *White Flint*: The part of the North Bethesda Metro Station Policy Area included in the White Flint Special Taxing District in Section 68C-2;

(2) *Red Policy Areas*: Bethesda CBD, Chevy Chase Lake, Forest Glen, Friendship Heights, [Great Seneca Life Science Center,] Grosvenor, Glenmont, Lyttonsville, Medical Center, North Bethesda Metro Station, Purple Line East, [Rock Spring,] Rockville Town Center, Shady Grove, Silver Spring CBD, Takoma, Twinbrook, Wheaton CBD, [White Oak Downtown,] and Woodside Metro Station Policy Areas;

(3) *Orange Policy Areas*: Aspen Hill, Bethesda/Chevy Chase, Burtonsville [Crossroads] Town Center, Clarksburg East, Clarksburg Town Center, Derwood, Fairland/Briggs Chaney,

Gaithersburg [City], Germantown East, Germantown Town Center, Germantown West, Great Seneca Communities, Great Seneca Life Science Center, Kensington/Wheaton, Montgomery Village/Airpark, North Bethesda, Olney Town Center, Rock Spring, Rockville City, [and] Silver Spring/Takoma Park, White Oak, and White Oak Downtown Policy Areas;

(4) *Yellow Policy Areas*: Clarksburg West, Cloverly, Damascus, Colesville, [Montgomery Village/Airpark,] North Potomac, Olney, and Potomac Policy Areas; and

(5) *Green Policy Areas*: Rural East and Rural West Policy Areas.

* * *

(h) The development impact tax does not apply to:

* * *

(4) office-to-residential conversions when the building is adaptively reused or renovated for [multi-family] multifamily housing; and

(5) the conversion of office to [multi-family] multifamily, single-family detached, or single-family attached housing when demolition is involved.

* * *

ARTICLE IX. [Carryout Bag Tax] CARRY OUT BAG TAX.

52-77. Definitions.

* * *

52-78. Tax imposed – Countywide and municipalities.

* * *

(b) *Applicability to municipalities*. [Unless a municipality adopts County law or enacts an ordinance that prohibits single-use plastic carryout bag as required under Section 48-67, it must levy and impose a 10-cent tax

on each customer for each plastic carryout bag provided by a retail establishment.] A retail establishment in a municipality is required to collect, exempt, remit to the County, report, and adhere to all the requirements under this Chapter for a single-use plastic carryout bag as it would for a paper carryout bag.

* * *

- (f) A retail establishment must post a notice at the public entrance to the retail establishment or at each point of sale that reads: “All carryout bags provided by the retailer are subject to a charge. A customer who brings their own reusable carryout bag or who does not use a carryout bag will not be subject to a charge.” The notice must be posted in English and Spanish. The Department of [Environment] Environmental Protection must post an example of a notice in English and Spanish on the County website.

52-112. Police Officer Property Tax Credit.

* * *

- (d) *Amount of credit.* The credit must equal the [lessor] lesser of \$2,500 or the amount of the County property tax otherwise due on the property.

* * *

- [(h)] (g) *Appeal.* The Director must take all actions necessary to apply the credit to each eligible taxpayer who applies for the credit and is certified as eligible by the Director. A taxpayer may appeal a final decision by the Director denying or terminating the credit to the Maryland Tax Court within 30 days after receiving a notice of denial or termination from the Director.

52-113. Property tax credit — disabled veterans.

- (a) *Definitions.* In this Section, the following words have the meanings

459 indicated:

460 * * *

461 *Dwelling house* means real property that is:

462 * * *

463 **Sec. 2. Expedited Effective Date.** The Council declares that this legislation
464 is necessary for the immediate protection of the public interest. This Act takes effect
465 on the date on which it becomes law.

Approved:



Kate Stewart, President, County Council

April 1, 2025

Date

Approved:

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

Sara R. Tenenbaum, Clerk of the Council

Date