

Bill No. 6-17  
Concerning: Technical Corrections  
Revised: 3/21/2017 Draft No. 3  
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Executive: May 12, 2017  
Effective: August 11, 2017  
Sunset Date: None  
Ch. 12, Laws of Mont. Co. 2017

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: County Council

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

By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-137

Chapter 8, Buildings  
Sections 8-1, 8-13, and 8-24

Chapter 11B, Contracts and Procurement  
Article XVII, Local Business Subcontracting Program

Article XVIII, Vending Machine Service Contracts  
Sections 11B-78, 11B-79, 11B-80, 11B-81 and 11B 82

Chapter 18A, Environmental Sustainability  
Sections 18A-35 and 18A-38B

Chapter 21, Fire and Rescue Services  
Section 21-2

Chapter 22, Fire Safety Code  
Section 22-3

Chapter 24, Health and Sanitation  
Section 24-8C

Chapter 25A, Housing, Moderately Priced

Section 25A-10

Chapter 29, Landlord-Tenant Relation  
Sections 29-6, 29-22, 29-27

Chapter 33, Personnel and Human Resources  
Section 33-39

Chapter 48, Solid Waste (Trash)  
Sections 48-11A and 48-17B

Chapter 49, Streets and Roads  
Sections 49-11A and 49-17

Chapter 51A, Tanning Facilities  
Section 51A-8

Chapter 52, Taxation  
Sections 52-11D, 52-47, 52-58, and 52-110

<b>Boldface</b>	<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 2-137, 8-1, 8-13, 8-24, 18A-35, 18A-38B, 21-2, 22-3, 24-8C, 25A-10, 29-6, 29-22, 29-27, 33-39, 48-11A, 48-17B, 49-11A, 49-17, 51A-8, 52-11D, 52-47, 52-58, and 52-110 are amended as follows:**

**2-137. Definitions.**

The following terms in this Article have the meanings indicated, unless a different meaning is clearly indicated in the context:

\* \* \*

[(d)] Public facility area plan means a site development plan, as it exists from time to time, specifying generally or in exact detail, as may be judged appropriate in specific instances by the county council and county executive, the location and types of land uses, activities, and improvements directed or permitted to take place both on the site occupied by the public facility and on the adjacent land acquired within the public facility area.

[(e)] Public facility area development project means all of the following actions, taken in the following order:

\* \* \*

**8-1. Scope and applicability.**

\* \* \*

(b) *Intent.* The intent of this Chapter is to assure public safety, health and welfare as it is affected by building construction, structural strength, egress facilities, sanitary equipment, light, utilities and ventilation, occupancies, and fire safety. In general, the intent of this chapter is to secure safety to life and property from all hazards associated with the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

\* \* \*

28 (d) *Exemptions.* All buildings or structures must be constructed, extended,  
29 repaired, removed or altered under a permit that satisfies this Chapter,  
30 except for:

31 \* \* \*

32 (3) the following public utility equipment:

33 \* \* \*

34 [(D)] (C) poles or structures used for street lights, fire alarm  
35 boxes, traffic signals, or similar municipal equipment  
36 installed by the State or a local municipality

37 \* \* \*

38 **8-13. Regulations.**

39 (a) The Director may recommend regulations for the administration of  
40 this [chapter] Chapter including a schedule of fees and may, at the  
41 Director’s discretion, hold public hearings as part of this regulation-  
42 making process. Regulations, as amended, must not conflict with or  
43 waive any provisions of this [chapter] Chapter. Such regulations must  
44 be at least as restrictive as the requirements of this Chapter. All  
45 regulations must be adopted by the County Executive under [method]  
46 Method (2) of Section 2A-15. The County Executive must promptly  
47 forward to the County Council a copy of any new fee schedule for use  
48 in budgetary planning activities. Such fees may be based on area,  
49 estimated cost of construction, or a minimal set fee per category. The  
50 budget estimate of all fees must be equal to the cost of administering  
51 this Code.

52 \* \* \*

53 **8-24. Application for permit.**

54 \* \* \*

55 (e) Projects not requiring site plan or conditional use approval. For  
56 projects that do not require site plan approval or conditional use  
57 approval and include more than 10 parking spaces, an application for  
58 building permit must include a plan showing:

- 59 (1) the location and design of entrances and exits to public roads;
- 60 (2) the location and size of all buildings and structures;
- 61 (3) the location of parking spaces, directional markings, traffic-  
62 control devices and signs; and
- 63 (4) that it satisfies Division 59-6.2 of Chapter 59.

64 [(e)] (f) \* \* \*

65 [(f)] (g) \* \* \*

66 [(g)] (h) \* \* \*

67 [(h)] (i) \* \* \*

68 [(i)] (j) \* \* \*

69 **18A-35. Eligibility.**

70 \* \* \*

71 (b) Property assessed clean energy surcharge.

72 \* \* \*

73 (3) As a condition for entering into an agreement under the  
74 Program, the County designated lender or private lender must  
75 provide the County designated program manager and the  
76 Department a copy of the loan documents and documents that  
77 verify:

78 \* \* \*

79 [(F)] (G) appraised value of the qualified property as certified in  
80 the appraisal report submitted by a Certified General  
81 Real Estate Appraiser if the eligibility requirement in

82 18A-35(a)(4) is based on the appraised value of the  
83 qualified property;  
84 [(G)] (H) loan to value documentation; and  
85 [(H)] (I) any other financial or program document that the  
86 Director deems necessary.

87 \* \* \*

88 **18A-38B. Definitions.**

89 \* \* \*

90 *Total building square footage* means the sum of the gross horizontal area of  
91 the several floors of a building or structure measured from the exterior faces  
92 of the exterior walls or from the center line of party walls. In a covered but  
93 unenclosed area, such as a set of gasoline pumps or a drive-through area,  
94 [gross floor area] *total building square footage* means the covered area.  
95 *Total building square footage* does not include any:

- 96 (1) basement or attic area with a headroom less than 7 feet 6 inches;
- 97 (2) area devoted to unenclosed mechanical, heating, air conditioning, or  
98 ventilating equipment;
- 99 (3) parking structure; or
- 100 (4) accessory structure to a residential building.

101 **21-2. Fire and Emergency Services Commission.**

102 \* \* \*

103 [(g)] (h) *Advocacy*. The Commission must not engage in any advocacy  
104 activity at the State or federal levels unless that activity is approved by  
105 the Office of Intergovernmental Relations.

106 **22-3. Construction and scope of chapter.**

107 \* \* \*

108 (d) Nothing in this chapter limits the authority of any individual who has  
109 been appointed an assistant State fire marshal or special assistant state  
110 fire marshal in accordance with the Public Safety Article of the  
111 [Annotated Code of] Maryland Code, or the authority granted by other  
112 laws or codes.

113 \* \* \*

114 **24-8C. Strategic Plan to Achieve Food Security in Montgomery County.**

115 \* \* \*

116 (c) By December 1 each year, the Executive must submit a report to the  
117 County Council. The annual report must:

118 (1) update the information required in Section [24-8B(a)] 24-8C(a);

119 \* \* \*

120 **25A-10. Executive regulations; enforcement.**

121 \* \* \*

122 (b) This Chapter applies to all agents, successors and assigns of an  
123 applicant. A building permit must not be issued, and a preliminary  
124 plan of subdivision, development plan, floating zone plan, or site plan  
125 must not be approved unless it meets the requirements of this Chapter.  
126 The Director of Permitting Services may deny, suspend or revoke any  
127 building or occupancy permit upon finding a violation of this Chapter.  
128 Any prior approval of a preliminary plan of subdivision, development  
129 plan, floating zone plan, or site plan may be suspended or revoked  
130 upon the failure to meet any requirement of this Chapter. An  
131 occupancy permit must not be issued for any building to any  
132 applicant, or a successor or assign of any applicant, for any  
133 construction which does not comply with this Chapter.

134 \* \* \*

135 **29-6. Duties of Director.**

136 In addition to any other power, duty, or responsibility assigned in this  
137 Chapter, the Director has the following duties:

138 \* \* \*

139 (h) The Director must report on rental housing inspections to the  
140 Executive and the Council, by September 1 of each year. The report  
141 must include:

142 (1) the address of each property inspected during the prior fiscal  
143 year;

144 (2) the address of each property that has been inspected or is  
145 scheduled to be inspected on an annual or triennial basis during  
146 the current fiscal year;

147 (3) for each property inspected:

148 (A) a summary of violations by:

- 149 (i) number found;
- 150 (ii) number corrected; and
- 151 (iii) type of violation; and

152 (B) the status of any incomplete inspections[.];

153 \* \* \*

154 **29-22. Inspection of rental housing.**

155 \* \* \*

156 (b) The Director must inspect, at least once each year, any rental housing  
157 which, after inspection, the Director:

158 (1) finds in violation of any applicable law that adversely affects  
159 the immediate health and safety of the tenants, including:

160 \* \* \*



161 (D) pervasive and recurring water leaks [the] that result in  
162 chronic dampness, mold growth, or personal property  
163 damage in more than one unit; or

164 \* \* \*

165 (2) determines to be a troubled property, under a procedure  
166 established by method (2) regulation that:

167 [(1)] (A) classifies violation types by severity; and

168 [(2)] (B) rates properties by:

169 (i) severity of violations; and

170 (ii) quantity of violations.

171 \* \* \*

172 (g) A landlord of licensed rental housing notified after initial inspection  
173 of a violation of applicable laws must pay the cost of the third, and  
174 subsequent inspections, as established [in] by regulation, if the  
175 violation is not corrected by the second inspection.

176 \* \* \*

177 **29-27. Contents of lease.**

178 \* \* \*

179 (s) Allow the tenant to terminate the lease upon 30 days' written notice to  
180 the landlord due to:

181 \* \* \*

182 (6) the tenant or tenant's spouse [being]:

183 (A) being 62 years of age or older;

184 (B) [no longer] being unable to live independently; and

185 (C) needing to move to a nursing home or other senior citizen  
186 housing;

187 \* \* \*

188 (u) Notify the tenant that:

189 (1) general information and assistance is available from the  
190 Department regarding:

191 \* \* \*

192 **33-39. Member contributions and credited interest.**

193 (a) *Member contributions.* Each member of the retirement system must  
194 contribute a portion of the member's regular earnings through regular  
195 payroll deductions.

196 \* \* \*

197 (2) Member Contributions to the Integrated Retirement Plan. A  
198 member of the Integrated Retirement Plan must contribute the  
199 following percentage of regular earnings:

200 \* \* \*

201 (C) Group E and Group J, 5 ¾ percent for service beginning  
202 on the first pay period after June 30, 2011 and 6 ¾  
203 percent for service beginning on the first pay period after  
204 June 30, 2012 up to the maximum Social Security wage  
205 base, and 9 ½ percent for service beginning on the first  
206 pay period after June 30, 2011 and 10 ½ percent for  
207 service beginning on the first pay period after June 30,  
208 2012 of regular earnings that exceed the wage base;

209 \* \* \*

210 (b) *Credited interest.*

211 \* \* \*

212 (3) Effective July 1, 1989, interest must be credited annually on  
213 each member's accumulated contributions as of June 30, 1989,  
214 and thereafter, as follows:

215 \* \* \*

216 (D) For group E and J members, interest will be credited at a  
217 rate of 4 percent per annum.

218 \* \* \*

219 **48-11A. Disposal of garbage or solid waste in [a] another’s container.**

220 \* \* \*

221 **48-17B. Strategic Plan to Advance Composting, Compost Use and Food Waste**  
222 **Diversion in Montgomery County.**

223 \* \* \*

224 (a) *Legislative findings.* The County Council finds that:

225 \* \* \*

226 (6) the use of compost has been demonstrated to benefit soil health  
227 by:

228 (A) suppressing plant diseases and pests;

229 (B) reducing or eliminating the need for chemical fertilizers;

230 (C) [~~Promoting~~] promoting higher yields of agricultural  
231 crops; and

232 (D) [~~Improving~~] improving soil structure;

233 \* \* \*

234 (b) *Strategic Plan required.* The Director must develop a Strategic Plan to  
235 Advance Composting, Compost Use and Food Waste Diversion in  
236 Montgomery County by January 1, 2018. The Strategic Plan must  
237 identify:

238 \* \* \*

239 (3) models and best practices used by other jurisdictions;

240 \* \* \*

241 (9) cost estimates and potential economic and environmental  
242 benefits of implementing the Strategic Plan.

243 \* \* \*

244 (c) *Considerations.* The Strategic Plan must consider the following areas  
245 in its legislative, policy, metrics, and cost recommendations:

246 \* \* \*

247 (8) use of incentives to encourage private food waste diversion and  
248 composting; [and]

249 \* \* \*

250 **49-11A. Permit to temporarily obstruct private roads.**

251 \* \* \*

252 (e) Before the Director of Permitting Services issues a permit to close a  
253 private road in whole or in part under this Section, the Director of  
254 Transportation must review or waive review of each application to  
255 ensure that closure will not adversely impact the use of connecting  
256 public roads. The Director of Transportation may recommend permit  
257 conditions to the Director of Permitting Services. The owner of a  
258 private road must submit a temporary traffic control plan that requires  
259 signage during closure to inform pedestrians about the duration of the  
260 closure, the permit number, and the owner’s contact telephone number  
261 to call that address conditions of closure as may be required by the  
262 Director of Permitting Services.

263 \* \* \*

264 **49-17. Accumulation of snow and ice on property prohibited.**

265 (a) (1) In this Section:

266 \* \* \*

267 (B) *Residential property* means real property containing  
268 either:

269 (i) a single family dwelling; or

270 (ii) a [multifamily] multi-family dwelling of three or  
271 fewer units.

272 \* \* \*

273 **51A-8. Warnings.**

274 (a) *Warning Statement.* A tanning facility must give each customer a  
275 written statement warning that:

276 \* \* \*

277 (5) [Any] any person taking a prescription or over-the-counter drug  
278 should consult a physician before using a tanning device; and

279 (6) it is a violation of County Code [§51A-8] §51A-7 for a person  
280 under the age of 18 to use a tanning device.

281 \* \* \*

282 **52-47. Credits.**

283 \* \* \*

284 (j) \* \* \*

285 (3) Application for the credit and administration of the credit must  
286 be in accordance with Subsections 52-107(e) and (f).

287 (4) A person must not receive a [property] tax credit under this  
288 Section if the person receives any public benefit points for  
289 constructing units with accessibility features under Chapter 59.

290 \* \* \*

291 **52-58. Credits.**

292 \* \* \*

293 (e) (1) A property owner must receive a credit for constructing or  
294 contributing to the cost of building a new single family  
295 residence that meets Level I Accessibility Standards, as defined  
296 in Section 52-107(a).

297 \* \* \*

298 (3) Application for the credit and administration of the credit must  
299 be in accordance with Subsections 52-107(e) and (f).

300 (4) A person must not receive a [property] tax credit under this  
301 Section if the person receives any public benefit points for  
302 constructing units with accessibility features under Chapter 59.

303 \* \* \*

304 **52-110. Property tax credit – elderly individuals and veterans.**

305 \* \* \*

306 (b) *Credit.* As authorized by [~~§9-257~~] §9-258 of the Tax-Property Article  
307 of the Maryland Code, an eligible individual may receive a credit  
308 against the County property tax imposed on the dwelling of an eligible  
309 individual.

310 \* \* \*

311 **[~~52-11D~~] 52-111. Urban Agricultural Tax Credit.**

312 \* \* \*

313 **Sec. 2. Article XVII of Chapter 11B, as added by Chapter 16 of the 2016**  
314 **Laws of Montgomery County, is renumbered as follows:**

315 **Article [~~XVII~~] XVIII. Local Business Subcontracting Program.**

316 **Sec. 3. Article XIX (Sections 11B-78, 11B-79, 11B-80, 11B-81 and**  
317 **11B-82) of Chapter 11B, as added by Chapter 8 of the 2017 Laws of**  
318 **Montgomery County, is renumbered as follows:**

319 **Article [~~XVIII~~] XIX. Vending Machine Service Contracts.**

320 **[~~11B-78~~] 11B-84. Definitions.**

321 \* \* \*

322 **[~~11B-79~~] 11B-85. Applicability.**

323 \* \* \*

324 **[~~11B-80~~] 11B-86. Healthy vending standards.**

325 \* \* \*

326 **[[11B-81]] 11B-87. Vending machine service contract requirements.**

327 (a) Any new vending machine service contract or vending machine  
328 service contract renewal the County enters into on or after *[[{date of*  
329 *enactment}]* April 18, 2017 must require the following:

330 \* \* \*

331 (4) Food and beverage items that meet the nutrition requirements in  
332 Section *[[11B-80]] 11B-86* must be:

333 \* \* \*

334 (5) Food and beverage items that meet the nutrition requirements in  
335 Section *[[11B-80]] 11B-86* must be comparatively priced or  
336 less expensive than products that do not meet those standards.

337 \* \* \*


338 (b) In addition to the requirements of paragraph (a), any new vending  
339 machine service contract or vending machine service contract renewal  
340 the County enters into on or after July 1, 2017 must require that at  
341 least 50% of the food and beverage items offered for sale in vending  
342 machines meet the requirements in Section *[[11B-80]] 11B-86*.

343 (c) In addition to the requirements of paragraph (a), any new vending  
344 machine service contract or vending machine service contract renewal  
345 that the County enters into on or after July 1, 2018 must require that at  
346 least 65% of the food and beverage items offered for sale in vending  
347 machines meet the requirements in Section *[[11B-80]] 11B-86*.

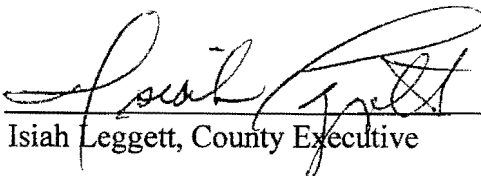
348 **[[11B-82]] 11B-88. Annual report.**

349 \* \* \*

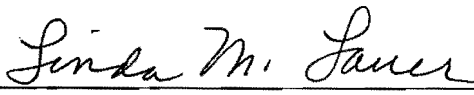
Approved:

  
\_\_\_\_\_  
Roger Berliner, President, County Council  
Date May 2, 2017

Approved:

  
\_\_\_\_\_  
Isiah Leggett, County Executive  
Date May 12, 2017

*This is a correct copy of Council action.*

  
\_\_\_\_\_  
Linda M. Lauer, Clerk of the Council  
Date May 15, 2017