



Montgomery  
County Council

**Committee PHED**  
**Staff:** Amanda Mihill, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:**

AGENDA ITEM #5D  
September 17, 2019  
**Introduction**

**SUBJECT**

Expedited Bill 28-19, Technical Corrections  
Lead Sponsor: County Council

**EXPECTED ATTENDEES**

None

**COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

- To introduce Bill – no vote expected

**DESCRIPTION/ISSUE**

Bill 28-19 would correct technical, typographical, grammatical, reference, and codification errors in, and make stylistic, clarifying, and conforming amendments to, various provisions of County law.

**SUMMARY OF KEY DISCUSSION POINTS**

- None

**This report contains:**

Staff Report  
Expedited Bill 28-19  
Legislative Request Report

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**MEMORANDUM**

September 12, 2019

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: Expedited Bill 28-19, Technical Corrections

PURPOSE: Introduction – no Council vote required

Expedited Bill 28-19, Technical Corrections, sponsored by Lead Sponsor County Council, is scheduled to be introduced on September 17. A public hearing is tentatively scheduled for October 1 at 1:30 p.m.

Bill 28-19 would correct technical, typographical, grammatical, and codification errors in, and makes stylistic, clarifying, and conforming amendments to, several provisions in County law. This bill represents an accumulation of technical and stylistic errors that individually were not significant enough to warrant separate corrective legislation, but which now cumulatively justify a technical corrections bill. This legislation is a result of the continuous vigilance and technical skills of Tammy Seymour of the County Attorney's Office, who is responsible for editing the County Code.

This packet contains:	<u>Circle #</u>
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Expedited Bill No. 28-19  
Concerning: Technical Corrections  
Revised: 9/11/2019 Draft No. 2  
Introduced: September 17, 2019  
Expires: March 17, 2021  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: County Council

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**AN EXPEDITED 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 1A, Structure of County Government  
Section 1A-102

Chapter 2, Administration  
Section 2-81B

Chapter 15A, Economic Development  
Sections 15A-5 and 15A-12

Chapter 16, Elections  
Section 16-27

Chapter 18A, Environmental Sustainability  
Section 18A-35

Chapter 19, Erosion, Sediment Control and Stormwater Management  
Section 19-68

Chapter 19A, Ethics  
Section 19A-12

Chapter 20, Finance  
Section 20-76E

Chapter 22A, Forest Conservation – Trees  
Section 22A-3

Chapter 24, Health and Sanitation  
Section 24-9

Chapter 25A, Housing, Moderately Priced  
Sections 25A-3, 25A-5, 25A-5A, and 25A-8

Chapter 27, Human Rights and Civil Liberties  
Article IX, Committee on Hate/Violence  
Section 27-64

Chapter 29, Landlord-Tenant Relations  
Section 29-19

Chapter 31C, New Home Builder and Seller Registration and Warranty  
Sections 31C-5, 31C-6, and 31C-11

Chapter 33A, Planning Procedures  
Sections 33A-2, 33A-3, and 33A-14

Chapter 49, Streets and Roads  
Section 49-62

Chapter 52, Taxation  
Section 52-47

Chapter 54, Transient Lodging Facilities  
Sections 54-1, 54-3, 54-7, 54-8, 54-11, 54-14, 54-17, 54-20, 54-21, 54-22, 54-22A, 54-25,  
54-26, 54-28, 54-30, 54-32, 54-33, 54-39, 54-43, 54-45, and 54-47

Chapter 68C, White Flint Special Taxing District  
Section 68C-2

2018 Laws of Montgomery County Chapter 12

<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:*



28 costs to businesses and non-profits operating in the County,  
29 capital investment from the private sector, economic  
30 development, and the County's competitiveness.

31 \* \* \*

32 **15A-5. Economic development program.**

33 (a) The Board of Directors must recommend economic development  
34 programs and associated performance measures to the Executive and  
35 Council each year to advance the policy objectives and perform the  
36 activities listed in Section [30B-1] 15A-1, including revisions to the  
37 County's strategic plan for economic development established by  
38 Section 20-76(a).

39 \* \* \*

40 **15A-12. Workforce Development Program.**

41 (a) The Workforce Development Corporation's Board of Directors must  
42 recommend workforce development programs and associated  
43 performance measures to the Executive, Council, and Workforce  
44 Development Board each year to advance the policy objectives listed  
45 in Section [30B-8] 15A-8.

46 \* \* \*

47 **16-27. Committee to Recommend Funding for the Public Election Fund.**

48 \* \* \*

49 (e) The [Council Administrator] Executive Director of the Office of the  
50 County Council must provide staff support for the Committee.

51 **18A-35. Eligibility.**

52 \* \* \*

53 (b) Property assessed clean energy surcharge.

54 \* \* \*

55 [(H)]

56 **19-68. High-PAH pavement sealant products.**

57 \* \* \*

58 (b) *Use of coal tar or high-PAH pavement sealants prohibited.*

59 (1) A person must not use a coal tar [a coal tar] or high-PAH  
60 pavement [pavement] sealant in the County [in the County].

61 (2) Both the property owner and the applicator have violated this  
62 Section if a coal tar or high-PAH pavement sealant is applied in  
63 the County.

64 \* \* \*

65 **19A-12. Restrictions on other employment and business ownership.**

66 \* \* \*

67 (c) *Exceptions.*

68 (1) Subsections (a) and (b) do not apply to:

69 \* \* \*

70 **20-76E. Small Business Innovation Research and Small Business Technology**  
71 **Transfer Matching Grant Program.**

72 \* \* \*

73 (g) *Sunset.* This Section is not effective after July 1, 2025.

74 \* \* \*

75 **22A-3. Definitions.**

76 In this Chapter, the following terms have the meanings indicated:

77 \* \* \*

78 *Tract* means:

79 (1) the property subject to a development application or a sediment  
80 control permit, the boundaries of which are described by deed or  
81 record plat;

82 (2) the entire property subject to a development application or a sediment  
83 control permit if it is developed as a single project; or

84 (3) the length and width of the right-of-way or the limits of disturbance,  
85 whichever is greater, for a linear project.

86 \* \* \*

87 **24-9. Smoking and using electronic cigarettes in public places.**

88 \* \* \*

89 (f) *Posting signs.* [*Posting signs.*]

90 \* \* \*

91 **25A-3. Definitions.**

92 The following words and phrases, as used in this Chapter, have the  
93 following meanings:

94 *Age-restricted unit* means a dwelling unit, the occupancy of which is  
95 conditioned on at least one resident being age 55 or older.

96 [*Area median income* means the median household income for the  
97 Washington, DC metropolitan area as estimated by the U.S. Department of  
98 Housing and Urban Development.]

99 *Applicant* means any person, firm, partnership, association, joint venture,  
100 business entity, or any other entity or combination of entities, and any  
101 transferee of all or part of the land at one location.

102 *Area median income* means the median household income for the  
103 Washington, DC metropolitan area as estimated by the U.S. Department of  
104 Housing and Urban Development.

105 \* \* \*

106 **25A-5. Requirement to build MPDUs; payment to Housing Initiative Fund; 3**  
107 **agreements.**

108 \* \* \*

109 (e) Any applicant subject to subsection (a), in order to obtain a building  
110 permit, must submit to the Department of Permitting Services a



111 written MPDU agreement approved by the Director and the County  
112 Attorney. Each agreement must require that:

113 \* \* \*

114 (2) in subdivisions with single-family dwelling units[,], each  
115 MPDU must have three or more bedrooms, unless this  
116 requirement is waived by the Director in a subdivision with  
117 only two-bedroom market rate units;

118 \* \* \*

119 **25A-5A. Alternative payment agreement.**

120 (a) The Director may approve an MPDU agreement that allows an  
121 applicant, instead of building some or all of the required for-sale  
122 MPDUs in a proposed subdivision or conversion of existing property  
123 from non-residential use to residential use, to pay to the Housing  
124 Initiative Fund an amount computed under subsection (b) upon a  
125 finding that:

126 (1) either:

127 \* \* \*

128 (B) regulatory development constraints at a particular site  
129 would render the building of approved density and all  
130 required MPDUs at that site infeasible;];] or

131 \* \* \*

132 (c) A payment to the Housing Initiative Fund under this Section:

133 \* \* \*

134 (2) must be deposited in to the Affordable Housing Acquisition and  
135 Preservation CIP project; and

136 (3) must be used only to buy, build, or preserve more MPDUs, or  
137 more bedrooms in the same number or fewer MPDUs, in the

138 same Planning Area as the development for which the payment  
139 was made unless[.]:

140 \* \* \*

141 **25A-8. Sale or rental of MPDUs.**

142 \* \* \*

143 (b) *Sale or rental to eligible households.*

144 \* \* \*

145 (4) The Executive may by regulation establish a buyer and renter  
146 selection system which considers household size, County  
147 residency, employment in the County, and length of time since  
148 the household was certified for the MPDU program. Eligible  
149 households will be notified [and] when MPDUs are available  
150 for sale or rent and will be given an opportunity to buy or rent  
151 an MPDU during the priority marketing period in the order of  
152 their selection priority ranking.

153 \* \* \*

154 **Article IX. Committee [on] Against Hate/Violence.**

155 \* \* \*

156 **27-64. Definitions**

157 (a) As used in this Article:

158 \* \* \*

159 *Service employee* means an individual employed on a full or part-time  
160 basis by a contractor as a:

161 \* \* \*

162 (4) a driver, helper, or mechanic performing services on a County  
163 contract for residential solid waste, recycling, or yard waste  
164 collection and disposal.[.]

165 \* \* \*

166 **29-19. Licensing procedures.**

167 \* \* \*

168 (b) *Accessory apartment rental license.*

169 (1) An owner of a lot or parcel in a zone that permits accessory  
170 apartments may obtain a license to operate an accessory  
171 apartment if:

172 \* \* \*

173 (C) the Director finds that:

174 \* \* \*

175 (ii) the accessory apartment was approved under Article  
176 59-G as a special exception under the Zoning  
177 Ordinance applicable before October 30, 2014 or  
178 [or] under 2014 Zoning Ordinance §59.3.3.3 as a  
179 conditional use.

180 \* \* \*

181 **31C-5. Registration process; fees.**

182 \* \* \*

183 (f) *Expiration of license.* Unless renewed under the procedures in Section  
184 31C-6, a registration expires on the second anniversary of its effective  
185 date. Once a registration expires, it cannot be renewed. The former  
186 registrant must submit a new application for registration.

187 \* \* \*

188 **31C-6. Registration Renewal.**

189 \* \* \*

190 (e) By the date on which a registration is set to expire, the Director must  
 191 send the applicant written notification of the [of the] Board's  
 192 recommendation, if any, and the Director's final action regarding  
 193 renewal of a registration. If the Director fails to notify the applicant by  
 194 this date, the renewal application is deemed approved.

195 \* \* \*

196 **31C-11. Administration; regulations.**

197 \* \* \*

198 (6) [includes] include standards by which a person may be deemed  
 199 qualified to comply with County and State law, as required in  
 200 Section 31C-5.

201 **33A-2. Definitions.**

202 In this Chapter, the following words have the meanings indicated:

203 [*“Article 66B”* means Article 66B of the Maryland Code.]

204 \* \* \*

205 *“Regional District Act”* means Chapter 780 of the Laws of Maryland for  
 206 1959, as amended and codified in [Article 28] Division II of the Land Use  
 207 Article of the Maryland Code.

208 **33A-3. Initiation of plan.**

209 The [commission] Commission or the [district council] District Council shall  
 210 initiate work on a plan in accordance with the provisions of [section 63(d)1 of the  
 211 regional district act] Title 21 of the Regional District Act.

212 **33A-14. Greenhouse Gas Emissions.**

213 As part of the factors and conditions outlined in [§7-108] Section 21-104 of  
 214 the Regional District Act and [§1.01 and §1.03 of Article 66B] Section 1-201 of  
 215 the Land Use Article of the Maryland Code, in preparing the Plan, the Planning  
 216 Board must:

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\* \* \*

**49-62. Abandonment authority; scope of Article; procedures.**

\* \* \*

(j) *Storm drainage rights-of-way.*

\* \* \*

(4) Before granting a partial or total abandonment of a storm drainage right-of-way under this subsection, the County Executive may require the owner of the land that is presently encumbered by the storm drainage right-of-way, or the proposed owner if the County holds fee-title to the storm drainage right-of-way, to execute a maintenance and liability agreement. If the Executive requires a maintenance and liability agreement, the agreement must:

\* \* \*

(B) hold the County harmless for any damages to private property located in the area proposed to be abandoned that arises out of the presence, maintenance of, or other work related to the existing storm drain facility.

**52-47. Credits.**

\* \* \*

(b) Except as provided in subsection (l), a property owner must receive a credit for constructing or contributing to an improvement of the type listed in Section 52-50, including the cost of an improvement in a Unified Mobility Program or the White Oak Local Area Transportation Improvement Program, if the improvement reduces traffic demand or provides additional transportation capacity and to the extent the cost of the improvement exceeds the property owner's

244 fee under a Unified Mobility Program or the White Oak Local Area  
245 Transportation Improvement Program.[.]

246 \* \* \*

247 (2) The Department of Transportation must:

248 \* \* \*

249 (E) certify the amount of the credit to the Department of  
250 Permitting Services before that Department or a  
251 municipality collects the applicable impact tax.[.]

252 \* \* \*

253 **54-1. Definitions.**

254 For the purposes of this Chapter, unless the language or context clearly  
255 indicates that a different meaning is intended, the following words and phrases  
256 have the following meanings:

257 \* \* \*

258 *Plumbing Code* means the Plumbing Code adopted by the Washington  
259 Suburban Sanitary Commission, as amended.

260 \* \* \*

261 *Transient visitor* means a person who purchases lodging, with or without  
262 meals, for a continuous period of 6 months or less.

263 **54-3. Guest register—Required.**

264 Any person who owns or operates a hotel[,] in the County must maintain on  
265 the premises a permanent register containing:

266 \* \* \*

267 **54-7. Inspection of register by county officials.**

268 Registers kept under [section] Section 54-3 must always be available at the  
269 hotel for inspection by the Director, the fire marshal, the police chief and their  
270 designees. The licensee may request the official to present proper credentials or  
271 proof of identity.

272 **54-8. Owner, operator or manager to reside on premises.**

273 The owner, operator, or a responsible manager appointed by the owner or  
274 operator must be on-site at all times at each hotel.

275 **54-11. Right of entry of county officials.**

276 The Director, the fire marshal, the police chief and their designee[,] upon  
277 exhibiting the proper credentials or proof of identity, may enter any hotel to make  
278 any necessary inspection during business or operating hours. Inspections may also  
279 occur at other times if the county officials find it necessary to protect the health  
280 and safety of any person.

281 **54-14. License required.**

282 \* \* \*

283 **54-17. Certificates to be filed before issuance.**

284 The Director must not issue an initial license or license renewal under this  
285 Division unless the applicant files with the Department a certificate:

286 \* \* \*

287 **54-20. Denial where operator has been convicted of certain state law**  
288 **violations.**

289 The Director may deny an initial license or license renewal to operate a hotel  
290 under this Division if the Director finds the owner or operator of the proposed  
291 hotel was convicted of violating the following provisions of the Criminal Law  
292 Article of the Maryland Code:

293 \* \* \*

294 The Director may deny an initial license or license renewal if the owner or  
295 operator was convicted of any similar offense outside Maryland.

296 **54-21. Procedure for issuance or denial.**

297 (a) When an application for a license under this Division, or when a  
298 previously issued license is in the renewal process[,] the Director or

299 the Director's designee must conduct all investigations and  
 300 inspections required by this article. The Director must approve or  
 301 deny the application within 90 days after the date of filing, or as soon  
 302 thereafter as practicable. Applications for renewal of a license filed on  
 303 or before October 1 under Section 54-25 and that have not been  
 304 approved or denied by the Director before the following January 1,  
 305 remain in effect until approved or denied by the Director.

306 (b) If, after all investigations and inspections are completed, the Director  
 307 finds that the hotel for which a license under this Division is requested  
 308 does not satisfy the requirements of this chapter, the Director must,  
 309 within 10 days after making such a finding, transmit notice of such  
 310 finding to the applicant. The notice must advise the applicant of the  
 311 necessary corrective measures to be taken before the Director will  
 312 issue the license. The Director may direct the applicant to appear  
 313 within 10 days from the date of service of the notice to show cause  
 314 why the license should not be denied. If the applicant fails to show  
 315 cause as directed in such notice, or fails to take the necessary  
 316 corrective action, the Director may deny the application.

317 \* \* \*

318 **54-22. Display.**

319 The applicant must prominently display each license issued under this  
 320 Division in the hotel for which it was issued.

321 **54-22A. Complaints.**

322 \* \* \*

323 **54-25. Renewal.**

324 On or before July 1 of each year, every hotel must make application to the  
 325 department for renewal of the license required by this Division. Before a license



326 for any hotel is renewed by the[,] Director, the Director must receive[,] the  
 327 certificates [as] required [by] under Section 54-17. The Director must renew the  
 328 license after receiving the certificates, completing any outstanding complaint  
 329 investigations, and finding that the application satisfies this Article.

330 **54-26. Revocation or suspension generally.**

331

\* \* \*

332 (b) The Director may revoke or suspend any license issued under this  
 333 Division if the Director finds that the hotel is disruptive to the general  
 334 peaceful enjoyment, dangerous to the health and safety[,] of the  
 335 community, or is a nuisance because of noise or indecent or immoral  
 336 activity by any guest, owner, operator or employee. The Director may  
 337 also revoke or suspend any license issued under this Chapter if the  
 338 owner or operator of the hotel has, while operating the hotel, been  
 339 convicted of violating:

340

\* \* \*

341 **54-28. Water and sewer facilities.**

342 Water and sewer facilities in every hotel must be connected to public lines  
 343 where such lines are available. When public sewer lines are not available, the  
 344 private sewage system must satisfy Chapter 45 of this Code. When public water  
 345 lines are not available, only a water supply approved by the Director may be used.

346 **54-30. Disposal of solid waste.**

347 All solid waste must be stored in covered metal receptacles. These  
 348 receptacles must be removed from the premises and cleaned at least once a week or  
 349 as often as the Director requires.[.] All such waste must be disposed of in a manner  
 350 that does not constitute a nuisance.

351 **54-32. Minimum size of rooms.**

352 (a) Any habitable room in a hotel must be at least 70 square feet in floor  
353 area and there must be at least 50 square feet of floor area for each  
354 person. Children under 12 years of age are counted as one-half person.  
355 Children under 1 year of age are not counted as a person for the  
356 purpose of this requirement.

357 \* \* \*

358 **54-33. Heating and ventilation.**

359 All rooms in hotels must be adequately heated and ventilated. Every  
360 habitable room must have at least one [one] easily opened window or skylight, or  
361 such other device that adequately ventilates the room. Every hotel must have a  
362 heating system. The heating system must be properly installed and maintained in  
363 safe and good working condition capable of safely and adequately heating all  
364 habitable rooms, bathrooms and water closet compartments to a temperature of at  
365 least 70 degrees Fahrenheit at a distance of 3 feet above floor level under ordinary  
366 minimum winter conditions.

367 **54-39. Food, dining rooms and kitchens.**

368 Food, public dining rooms and kitchens in each hotel must satisfy Chapter  
369 15 [15] of this Code as amended.

370 **54-43. Certification for a License.**

371 An application for a bed and breakfast license or short-term residential rental or a  
372 license renewal for either use must be signed by the applicant and include the State  
373 Sales Tax and Use Registration number. The applicant must certify that:

374 \* \* \*

- 375 (m) where applicable, the following parties were notified:  
376 (1) in a single-unit or attached unit, abutting and confronting  
377 neighbors[,];



405 (b) Except as provided in subsection (c), the following properties,  
 406 identified by street address, are not included in the District: 5411  
 407 McGrath Boulevard, 5440 Marinelli Road, 5801 Nicholson Lane,  
 408 11700 Old Georgetown Road, 11701 Old Georgetown Road, 11750  
 409 Old Georgetown Road, 11800 Old Georgetown Road, 11801  
 410 Rockville Pike, 5800 Nicholson Lane, 5802 Nicholson Lane, 5809  
 411 Nicholson Lane, 5440 Marinelli Road, 5503 Edson Lane, 5505 Edson  
 412 Lane, 5507 Edson Lane, 5509 Edson Lane, 11201 Woodglen Drive,  
 413 11203 Woodglen Drive, 11205 Woodglen Drive, 11207 Woodglen  
 414 Drive, 11209 Woodglen Drive, 11351 Woodglen Drive, 11418  
 415 Rockville Pike, 11200- 11219 Edson Park Place, 11222 Edson Park  
 416 Place, 11224 Edson Park Place, 11226 Edson Park Place, 11228  
 417 Edson Park Place, 11230 Edson Park Place, 11232 Edson Park Place,  
 418 11234 Edson Park Place, 11236 Edson Park Place, 11238 Edson Park  
 419 Place, and 11240 Edson Park Place. [Park Place.]

420 \* \* \*

421 **Sec. 2. Chapter 12 of the 2018 Laws of Montgomery County is amended**  
 422 **as follows:**

423 **Sec. 3. Expedited Effective Date; application date.**

424 \* \* \*

425 (b) Section 2 of this Act takes effect on July 1, 2018. Notwithstanding  
 426 Section 52-110(e), an individual that meets the eligibility criteria of  
 427 Section [51-110(c)(3)] 52-110(c)(3) must submit an application to the  
 428 Director on or before September 1, 2018 if the individual seeks to  
 429 receive the tax credit for Fiscal Year 2019.

430 **Sec. 3. Expedited Effective Date.**

431 The Council declares that this legislation is necessary for the immediate  
432 protection of the public interest. This Act takes effect on the date on which it  
433 becomes law.

434 *Approved:*

435

436

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437 Nancy Navarro, President, County Council Date

438 *Approved:*

439

440

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441 Marc Elrich, County Executive Date

442 *This is a correct copy of Council action.*

443

444

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445 Mary Anne Paradise, Acting Clerk of the Council Date

## LEGISLATIVE REQUEST REPORT

Bill 28-19  
*Technical Corrections*

**DESCRIPTION:** Makes technical, typographical, grammatical, and other non-substantive corrections to County law.

**PROBLEM:** Codifying several new laws revealed several technical and other non-substantive errors that could confuse a person trying to follow or enforce County law.

**GOALS AND OBJECTIVES:** To correct technical and other non-substantive errors in the County Code.

**COORDINATION:** Council legal staff and County Attorney's Office.

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** Not applicable.

**EXPERIENCE ELSEWHERE:** Not applicable.

**SOURCE OF INFORMATION:** Amanda Mihill, Council Staff (240) 777-7815  
Tammy Seymour, Office of the County Attorney (240) 777-6789

**APPLICATION WITHIN MUNICIPALITIES:** The applicability of other provisions in municipalities follows the applicability of the underlying provision of the County Code.

**PENALTIES:** Not applicable.