

shall include the construction, replacement, or improvement of driveways, swimming pools, porches, garages, landscaping fences, fallout shelters and other improvements to structures or upon land which is adjacent to a dwelling house. "Home Improvement" shall not include (i) the construction of a new home building or work done by a contractor in compliance with a guarantee of completion of a new building project, or (ii) the sale of goods or materials by a seller who neither arranges to perform nor performs directly or indirectly any work or labor in connection with the installation of or application of the goods or materials. Without regard to the extent of affixation, "home improvement" includes the installation of central heating, or air conditioning systems, storm windows, awnings, or fire alarms.

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Sec. 79A-2. *Registration and License Required.*

It shall be unlawful for any person to engage in the business or act in the capacity of a building contractor as defined herein within Montgomery County without first being registered and having a license issued as provided in this chapter.

Sec. 79A-3. *Board of Registration.*

A board of registration for building contractors is hereby created. The board shall consist of five members, all of whom shall be appointed by the County Executive subject to Council confirmation pursuant to the Charter. At least three members of the board shall be active at the time of their appointment in the building and construction field within the County.

The members of the first board shall be appointed for the following terms: two members for one year, two members for two years and one member for three years. On the expiration of the term of any member, the Executive shall appoint or reappoint members for terms of two years. Each member shall hold office until the expiration of his term or until a successor shall have been duly appointed and shall have qualified.

Each member of the board shall be a resident of Montgomery County. The director or his designated agent shall serve as an ex officio member of the board.

Board members shall not receive compensation for serving on the board, but shall be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

The board shall elect from its members a vice-chairman and secretary. The chairman shall be selected by the Executive subject to Council confirmation pursuant to the Charter. In exercising its powers and duties under this chapter not less than three members shall constitute a quorum. The board shall keep minutes of its proceedings and meetings. All decisions of the board shall be in written form with findings. For assistance in reaching decisions, the board may request technical assistance, advice, data or factual evidence from the County or other governmental agency. The board shall submit to the Executive an annual report of its proceedings.

There may be appointed and assigned to the board such employees, and the County Executive shall make available to the board such services and facilities of the County, as are necessary or appropriate for the proper performance of its duties as determined by the Executive, and the county attorney shall serve as counsel to the board.