

## **Part D**

### **Local Government**

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#### **Local Government – Generally**

##### **Inspection and Testing of Wells – Fees**

The Budget Reconciliation and Financing Act of 2004, *Senate Bill 508 (passed)*, doubles from \$80 to \$160 the maximum fee that may be charged by local health departments relating to the inspection and testing of wells.

##### **Food Establishments – Licensing and Fees**

The Budget Reconciliation and Financing Act of 2004 also doubles the maximum inspection fee for a seasonal food establishment from \$35 to \$70 and doubles the maximum inspection fee from \$150 to \$300 for other food establishments. However, local health departments in Baltimore City, Montgomery County, and Prince George’s County are not subject to statutory caps for the food establishment licensing fees.

##### **Regulation of Rental Residential Property – Statements by Property Owners**

*House Bill 1245 (passed)* makes several changes to the laws regarding compliance with lead poisoning prevention requirements. One of the provisions concerns the regulation in any manner by a county or municipal corporation of residential property that is rented or leased. Specifically, House Bill 1245 requires the owner of the residential property to state in writing to a local government, before the local government licenses, registers, or certifies residential property to be rented or leased, that the property is not an affected property or is registered and inspected as required under the Environment Article. A more detailed discussion of this bill can be found under Part F – Courts and Civil Proceedings of this *90 Day Report*.

##### **Coal Tax – Annual Meeting and Notice**

*House Bill 418 (passed)* eliminates the requirement that the governing body of a county that collects coal taxes must meet annually with officials of municipal corporations and other

counties that receive coal tax revenues. Instead, the governing body of a county is required to notify these counties and municipalities annually that they may request a meeting with the governing body.

## **Public Local Laws**

Each session, the General Assembly considers a number of bills each affecting only one county. The following discussion is intended to provide a sampling of bills of that nature that passed.

### **Allegany County**

#### **Paper Gaming – Licensing and Taxing**

Paper gaming is permitted in Allegany County. A for-profit business in Allegany County that holds a Class A, C, or D alcoholic beverages license for on-premises consumption may hold paper gaming on the licensed premises after obtaining, among other things, a stamp that is to be displayed with the alcoholic beverages license. Licensed paper gaming device wholesalers are required to periodically provide to the county commissioners reports that list all customers to whom they sell paper gaming products.

*House Bill 1011 (passed)* prohibits a paper gaming licensee from having a paper gaming device on its premises that does not display a gaming sticker. The bill also prohibits the county commissioners from imposing a paper gaming tax on these entities that buy paper gaming devices from licensed wholesale vendors. House Bill 1011 also alters the reporting timeframe, from quarterly to monthly, by which licensed wholesale vendors of paper gaming devices must provide a list to the county commissioners of all customers to whom they sell paper gaming products. The bill repeals the restriction that a for-profit business that holds a Class A, C, or D retail alcoholic beverages license in Allegany County must have on-premises consumption privileges before engaging in paper gaming and repeals the requirement that such a licensee who has a paper gaming license must also obtain a stamp from the county commissioners to be displayed along with the alcoholic beverages license.

### **Anne Arundel County**

#### **Highways – Solicitation of Money**

*House Bill 187 (passed)* authorizes the Anne Arundel County Council to enact a licensing program for individuals, charitable groups, and fire companies that wish to solicit money on county roads, median dividers, or intersections.

#### **Right to Farm**

*Senate Bill 202/House Bill 825 (both passed)* authorize the Anne Arundel County Council to adopt an ordinance, resolution, or regulation, or take any other action considered

necessary, to protect a person's right to farm or engage in agricultural or forestry operations. The county council must first hold a public hearing and provide reasonable notice of the hearing. This authority has been granted to several other counties, including St. Mary's County (Chapter 35 of 2002), Garrett County (Chapter 403 of 2001), Washington County (Chapter 442 of 1999), Somerset County (Chapter 739 of 1998), Dorchester County (Chapter 677 of 1997), Charles County (Chapter 64 of 1996), and Carroll County (Chapter 58 of 1994).

## **Baltimore City**

### **Extinguishment of Ground Rents**

*Senate Bill 748/House Bill 1087 (both passed)* authorize the Mayor and City Council of Baltimore to extinguish an irredeemable ground rent by condemning the property subject to the lease and making application to the State Department of Assessments and Taxation. Generally, an irredeemable ground rent is a lease that was created before 1884 that cannot be redeemed because the owner of the ground rent, or landlord, cannot be located or identified.

### **Tax Increment Financing**

*House Bill 1203 (passed)* authorizes the Mayor and City Council of Baltimore to use proceeds from tax increment financing for the construction or rehabilitation of buildings that are abandoned property, distressed property, or will provide units of affordable housing.

### **Closing or Gating of Alleys**

*House Bill 1533 (passed)* authorizes the Mayor and City Council of Baltimore to close or gate an alley no longer needed for through pedestrian or vehicular traffic. The bill also authorizes the mayor and city council to lease a closed or gated alley to an entity that consists of property owners whose lots abut the alley.

## **Baltimore County**

### **Code of Public Local Laws – Legalization**

*Senate Bill 134/House Bill 230 (both passed)* legalize the 2003 edition of the Baltimore County Code and any supplement to the 2003 edition to the extent to which the code or supplement contains laws adopted by the General Assembly.

## **Calvert County**

### **Pretrial Release Program**

*House Bill 729 (passed)* authorizes the Sheriff of Calvert County to establish a pretrial release program that offers alternatives to pretrial detention and to adopt regulations to administer the program. The bill authorizes a court to order an individual to participate in the county pretrial release program if the individual (1) appears before the court after being charged

and detained on bond and (2) meets the program's eligibility requirements. The court may issue such an order at the imposition of bond, on bond review, or at any other time during the individual's pretrial detention.

An individual is eligible for the program if the individual (1) is recommended to the court for placement in the program by the program staff; (2) has no other charges for a felony or a violation of a crime of violence pending in any jurisdiction; and (3) is not in detention for or been previously convicted of a crime of violence, a felony, or the crime of escape.

### **Condominiums – Conditions on the Right to Expand**

*House Bill 1228 (passed)* extends the amount of time, from 15 to 18 years, in Calvert County during which a right is deemed reserved in the developer in an existing or new declaration for a condominium to add to the condominium any successive section described in the declaration and in the condominium plat. The bill also extends the termination date for this provision from September 30, 2005, to September 30, 2008.

### **Caroline County**

There were no public local laws dealing solely with Caroline County passed in the 2004 session.

### **Carroll County**

#### **Abatement of Zoning and Construction Code Violations**

*House Bill 1387 (passed)* authorizes the Carroll County Commissioners to assess against property abated for zoning violations the reasonable cost of abating the zoning violations. The bill also authorizes the county commissioners to restrain, correct, or abate violations of specified county construction codes and to assess against the property the reasonable cost of abating those violations. For each type of abatement, the assessment is to be added to the property tax bill of the property and is to be collected with annual property taxes and is subject to the same penalties and interest for nonpayment as provided by law for the nonpayment of county taxes. The assessment constitutes a lien against the property until paid.

House Bill 1387 also provides for a mechanism for persons to have hearings related to the abatement of specified zoning and construction code violations. A property owner aggrieved by the assessment may petition the Carroll County Commissioners for relief. Within 30 days after receipt of the petition, the county commissioners are required to hold a hearing on the propriety and reasonableness of the assessment, and the petitioner has the burden of showing good cause as to why the assessment should not be made.

### **Weed Nuisances**

*House Bill 1186 (Ch. 68)* provides that, in Carroll County, the growth of weeds may not constitute a nuisance or menace and that the county commissioners may remove the weeds if the

land on which the weeds are growing is being used for a bona fide agricultural purpose or if the land is owned by the county and is specifically designated as a natural regeneration project area.

### **County Roads – Funding and Construction**

*Senate Bill 786 (Ch. 34)* authorizes the Carroll County Commissioners, after notice and a public hearing, to adopt an ordinance designating a county road or segment of a road for construction by the county, with a portion of the cost of construction to be paid by the property owners over which the road is designated.

### **Volunteer Firemen’s Association – Name Change**

*House Bill 1184 (Ch. 67)* renames the Carroll County Volunteer Firemen’s Association to be the Carroll County Volunteer Emergency Services Association.

## **Cecil County**

### **Palm Readers, Fortune-tellers, and Soothsayers – Licensing**

*House Bill 469 (passed)* repeals the requirement that palm readers, fortune-tellers, and soothsayers be licensed by the Board of County Commissioners of Cecil County in order to conduct business in the county.

### **County Expenses – Records and Statements of Accounts**

*Senate Bill 22 (passed)* repeals the requirement that the Cecil County Board of County Commissioners publish all records of county expenses in its meeting minutes. Instead, the bill requires records of county expenses to be on file in the Treasurer’s Office. The bill also increases from \$200 to \$500 the minimum expense payment amount that must be included on a monthly statement that is published in a newspaper in Cecil County.

### **Bridge or Road Construction or Repair Contracts**

*Senate Bill 160 (passed)* raises the limit from \$7,500 to \$10,000 under which the Cecil County Commissioners are exempt from requirements to competitively bid procurements of bridge or road construction or repair contracts and the purchase or lease of road or construction equipment or machinery. The bill also removes a limitation on any one contractor being awarded a total of \$20,000 worth of such contracts in a two-month period.

## **Charles County**

### **Bel Alton High School Loan of 1996**

Chapter 130 of 1996 authorized up to \$250,000 in matching funds to the Bel Alton High School Alumni Restoration Committee, as grantee, for the repair, renovation, rehabilitation, and capital equipping of the Bel Alton High School in Charles County, to be used as a multiservice

center. Chapter 153 of 2003 established a seven-year limitation on the authority to spend an appropriation for a capital expenditure and a seven-year limitation on the authorization for State debt. *Senate Bill 109 (Ch. 27)* is an emergency Act that provides that the loan proceeds for the Bel Alton High School Loan of 1996 be expended or encumbered by the Board of Public Works for the project's purposes no later than June 1, 2006.

## **Dorchester County**

### **Authorization to Harvest Seafood and Engage in the Seafood Industry**

*Senate Bill 671 (passed)* authorizes the County Council of Dorchester County to adopt an ordinance, resolution, or regulation or take any other action that the council considers necessary to authorize a person to engage in specified activities related to the seafood industry and to harvest seafood. Before adopting such an ordinance, resolution, or regulation, the county council must first hold a public hearing and obtain the written consent of the Secretary of the Department of Natural Resources. In the event of conflict, federal or State law or written program guidance issued by a federal or State agency shall preempt any ordinance, resolution, or regulation adopted by the county council.

### **Sheriff – Salary**

*Senate Bill 672/House Bill 1444 (both passed)* increase the salary of the Dorchester County Sheriff from \$45,000 to \$62,500 for calendar 2006. A \$1,000 annual salary increase is provided until the sheriff's salary is set at \$65,500 for calendar 2009 and each year thereafter.

## **Frederick County**

### **Bond Rating Enhancement Reserve and Appropriation**

*Senate Bill 92/House Bill 523 (both passed)* require the Frederick County Commissioners to establish and maintain a bond rating enhancement reserve and establish criteria for maintaining the reserve. The bills also authorize the Frederick County Commissioners to increase appropriations and expend the increased appropriations. Additionally, the bills require the county commissioners to (1) establish, by ordinance, criteria for increasing appropriations and expending the increased appropriations and (2) require that the increase in appropriations be derived from the county's unappropriated, undesignated general fund balance or bond rating enhancement reserve.

### **Loans to Volunteer Fire or Rescue Companies**

*Senate Bill 445/House Bill 259 (both passed)* expand the authority of the Frederick County Commissioners to provide loans to approved volunteer fire and rescue companies by including loans for land or buildings to be used by the companies.

### **Nursing or Convalescent Homes**

*Senate Bill 608/House Bill 282 (both passed)* authorize the Frederick County Commissioners to establish, maintain, and operate a nursing or convalescent home or homes and any other facilities and services for the proper care and treatment of the aged, convalescent, and chronically ill.

### **Participation in the Northeast Maryland Waste Disposal Authority**

The Northeast Maryland Waste Disposal Authority was created in 1980 as a public instrumentality of the State. The authority's mission is to plan and develop waste management systems that meet the highest environmental standards while providing the most efficient and reliable waste disposal services possible. *House Bill 246 (passed)* authorizes Frederick County to become a participant in the Northeast Maryland Waste Disposal Authority. To do so, the county must file certified copies of a resolution of participation with the Secretary of State and the Department of Legislative Services.

### **Garrett County**

#### **Code of Public Local Laws – Repeal of Obsolete Provisions**

*House Bill 620 (Ch. 56)* repeals obsolete provisions of the Public Local Laws of Garrett County pertaining to appliance installers, billiard rooms and bowling alleys, crimes and punishments, firearms, manufacturers and miners, teachers' pensions, the poor or insane, the sheriff, thistles, and wages. The obsolete provisions of the county's Public Local Laws have been preempted by State law, superseded by other local laws and ordinances, or are out-of-date with current circumstances.

### **Harford County**

#### **Development Impact Fees – School**

*House Bill 965 (passed)* authorizes the Harford County Council, by ordinance, to impose a maximum \$10,000 development impact fee on new construction or development. The revenues can only be used for school site acquisition, school construction, school renovation, school debt reduction, or school capital expenses. Municipalities within the county must assist in the collection of the impact fee by either collecting and remitting the fee to the county, or requiring the fee to be paid directly to the county. Upon imposing a development impact fee, the county council must submit an annual report to the Harford County Delegation by May 31 of each year on the revenues generated by the impact fees and how the revenues were spent.

## Howard County

### Public School Facilities Surcharge

*House Bill 1445 (passed)* requires the Howard County Council, by ordinance, to impose a school facilities surcharge on residential new construction. The surcharge equals \$1.00 per square foot of occupiable area in fiscal 2005. The surcharge does not apply to new residential construction sold for less than \$200,000. The surcharge and exemption in future years are adjusted for inflation. Payment of the school facilities surcharge does not eliminate any authority to apply any test concerning the adequacy of school facilities under the county's adequate public school facility ordinance. The Howard County Executive must prepare an annual report on the school facilities surcharge by August 31 of each year that includes a detailed description of how fees were expended and the amount of fees collected. The report must be submitted to the county council and the county legislative delegations.

## Kent County

### Echo Hill Outdoor School Improvements Loan of 2001 – Revision

Chapter 243 of 2001 authorized up to \$300,000 in matching funds to the Board of Directors of Echo Hill Outdoor School, Inc., as grantee, for the construction of an addition to Harris Hall, construction and capital equipping of an agricultural demonstration area including a barn, renovation of staff housing facilities, and renovation of nature preserve facilities.

*House Bill 1191 (passed)* alters the purpose of the project for the Kent County – Echo Hill Outdoor School Improvements Loan of 2001 to include the capital equipping of an addition to Harris Hall. The change in the purpose of the project would allow the grantee to use project funds to pay for office equipment and kitchen fixtures in Harris Hall.

## Montgomery County

### Fire and Explosive Investigators

*House Bill 784 (passed)* provides that a Montgomery County fire and explosive investigator is a law enforcement official under provisions authorizing the carrying of a handgun by law enforcement personnel. The bill provides that a Montgomery County fire and explosive investigator has the same authority as the State Fire Marshal and assistants, including the authority to make a warrantless arrest, while operating in Montgomery County and outside Montgomery County under certain circumstances, and allows the Montgomery County Fire Administrator to limit, in writing, certain authority granted to an investigator. The bill removes a Montgomery County fire and explosive investigator from current provisions granting fire and explosive investigators the same warrantless arrest power available to Prince George's County fire investigators for the commission of certain offenses, and excludes a Montgomery County fire and explosive investigator from the definition of "law enforcement officer" under provisions relating to the Law Enforcement Officers' Bill of Rights. House Bill 784 also includes a

Montgomery County fire and explosive investigator in the definition of “police officer” under provisions relating to the Maryland Police Training Commission and requires the Police Training Commission to certify Montgomery County fire and explosive investigators who meet the requirements of these provisions as police officers.

## **Prince George’s County**

### **Recordation – Assessment Books**

*House Bill 569 (passed)* adds Prince George’s County to the list of counties that may utilize a shortened recordation process. The Clerk of the Circuit Court for Prince George’s County may record a deed or other document effecting a change in property ownership without the document first being submitted to the local office of the State Department of Assessments and Taxation (SDAT). The bill also authorizes the Clerk of the Circuit Court for Prince George’s County, the Administrative Office of the Courts, SDAT, and the Prince George’s County tax collector to formulate the procedure governing recordation under the bill to simplify the procedures for recordation while ensuring the integrity of the land and assessment records.

### **County Employees – Criminal History Records Checks**

*House Bill 678 (passed)* authorizes the Chief Administrative Officer of Prince George’s County to request a State or national criminal history records check from the Criminal Justice Information System Central Repository for prospective employees and requires the Chief Administrative Officer to pay the fees for such requests to the Department of Public Safety and Correctional Services. The bill also requires the county to adopt guidelines to carry out provisions of the bill.

### **Telecommunication Tax**

*House Bill 589 (passed)* requires 10 percent of the annual Prince George’s County telecommunications sales tax revenues to be spent on renovation projects or debt service on bonds for school renovations.

## **Queen Anne’s County**

### **Wine Tasting Licenses**

*Senate Bill 523 (passed)* authorizes the Queen Anne’s County Board of License Commissioners to issue a wine tasting (WT) license to holders of Class A beer and wine or Class A beer, wine, and liquor licenses. The WT license authorizes, for tasting and sampling only, the on-premises consumption of wine that does not exceed 22 percent alcohol by volume. The WT licensee is prohibited from serving more than two ounces from each brand to any one person and more than four ounces to any one person each day. The bill authorizes the board to adopt regulations for wine tasting and sampling. The annual fee is \$100.

## St. Mary's County

### Sheriff – Home Detention and Work Release Programs

*House Bill 997 (passed)* authorizes the Sheriff of St. Mary's County to establish programs for home detention and work release and to adopt implementary regulations for each program. If a court imposed condition on an inmate is inconsistent with a regulation adopted under these provisions, the court imposed condition controls as to that inmate. A court is authorized to allow an inmate's participation in either program, as specified. The bill specifies the conditions under which an inmate may leave the detention center for participation in a program.

The sheriff and the Board of County Commissioners of St. Mary's County are authorized to determine and collect a reasonable monetary amount or program participation fee to pay for an inmate's food, lodging, and clothing costs incurred in the work release program. An inmate who violates a trust or condition that a court or the sheriff has established for program participation is subject to removal from the program and cancellation of any earned diminution credits.

### St. Mary's County Metropolitan Commission – Nonvoting Member

The St. Mary's County Metropolitan Commission was created in 1957. The commission is charged with overseeing the St. Mary's County sanitary districts and is exempt from the State's sanitary district provisions. *House Bill 1005 (passed)* adds one nonvoting member to the commission. The bill specifies the nonvoting member to be the commanding officer of the Patuxent River Naval Air Station or a designee who serves at the pleasure of the commanding officer. The nonvoting member of the commission must represent the interests of the U.S. Navy concerning the commission's water and sewer services at the base, must serve until the succeeding commanding officer is appointed, and is not entitled to compensation.

### Impact Fees – Exceptions

*House Bill 1304 (passed)* authorizes the St. Mary's County Commissioners to waive the county's building impact fee for up to 30 newly constructed living units and defer or provide for the amortization of the building impact fee for up to 50 newly constructed living units. This provision only applies to units that are deemed affordable for individuals whose family income in the previous fiscal year was less than 50 percent of the county median family income and that are within a certain square footage as determined by the county commissioners. The amount of the building impact fees waived, deferred, or amortized cannot exceed \$350,000 in any fiscal year. The county's operating budget must include the amount of impact fees waived, deferred, or amortized. In addition, the bill expands the uses of the building impact fee to include solid waste and park facilities. The terminates June 30, 2006.

## **Somerset County**

### **County Commissioners – General Bonding Authority**

*Senate Bill 259/House Bill 360 (both passed)* authorize the Somerset County Commissioners to borrow a maximum of \$10 million each fiscal year beginning with fiscal 2005. The bills provide that the funds must be borrowed against the full faith and credit of the county and that the funds must be used for the construction of roads and bridges; the construction and capital equipping of public buildings, public schools, and solid waste facilities; and the purchase of real property for public purposes. The board is authorized to borrow these funds from the issuance and sale of general obligation bonds or by loans from private lending institutions. The board is required to first hold a public hearing on the proposed use of the funds, provide adequate and advance public notice of the hearing, and pass a borrowing resolution by at least a four-fifths vote.

### **Volunteer Fire Departments – Appropriations**

*House Bill 424 (passed)* increases the appropriations made by the Somerset County Commissioners to volunteer fire companies operating in the county. The bill also provides that the required appropriation for fiscal 2009 must remain in effect for subsequent years unless altered by future enactment.

### **County Commissioners – Expense Reimbursement**

*House Bill 361 (passed)* increases from \$1,500 to \$2,500 the total reimbursement amount that each member of the Somerset County Board of County Commissioners may receive each year for food and mileage expenses incurred during official duties.

### **Sale of Portion of Harbaugh Road in Lawson Election District**

*House Bill 363 (passed)* authorizes the Somerset County Roads Board to sell all of the county's right, title, and interest in the portion of Harbaugh Road located in the Lawson Election District. The bill states that this authority may be exercised without public sale and when the property is no longer needed for public use.

## **Talbot County**

### **Board of Education – Selection of Members – Straw Ballot**

The Talbot County Board of Education consists of seven voting members appointed by the Governor and one nonvoting student member. Voting members serve five-year terms, and the student member serves a one-year term. With the approval of the Governor, the State Superintendent of Schools may remove a board member for immorality, misconduct in office, incompetency, willful neglect of duty, or failure to attend board meetings. If one of the seven voting members vacates the position, the Governor appoints a replacement. *House Bill 1357 (passed)* submits to referendum the question of whether the Talbot County Board of Education

should remain an appointed board or change to board elected by the voters of Talbot County. The referendum must be on the ballot in Talbot County for the November 2004 general election, and the vote is advisory only.

## **Washington County**

### **Washington County Water and Sewer Infrastructure Commission**

*House Bill 1211 (passed)* establishes a two-year, 24-member Washington County Water and Sewer Infrastructure Commission to, among other things (1) study the existing capacity and deficiencies of water and sewer services in Washington County; (2) analyze future growth projections; and (3) consider an efficiency and cost-savings analysis of creating a regional authority that would consolidate the City of Hagerstown and the county water and sewer departments. The commission must develop a long-term plan. An interim report is due to the Washington County Delegation, the Washington County Board of County Commissioners, and the Hagerstown City Council by January 1, 2005; a final report is due by June 30, 2006.

### **Adequate Public Facilities**

*House Bill 1210 (passed)* authorizes the Washington County Commissioners to provide, by ordinance, for the provision and financing of adequate public facilities concurrently with the need for those facilities. "Public facilities" is defined to mean schools, roads, water, wastewater, stormwater management facilities, and other infrastructure for public purposes. The bill details the various types of authority that may be provided to the county commissioners under the ordinance. The bill does not apply to land within a municipal corporation in the county or to developments approved prior to July 1, 2003.

### **Deputy State's Attorneys – Number**

*House Bill 541 (passed)* increases the number of deputy State's Attorneys that the Washington County State's Attorney shall appoint from one to not more than two.

## **Wicomico County**

### **Alcoholic Beverages – Licenses and Open Containers**

*Senate Bill 681/House Bill 778 (both passed)* make several changes to the laws relating to alcoholic beverages in Wicomico County. Specifically, the bills authorize the Wicomico County Board of License Commissioners to create and issue a catering license and to create and issue a special beer festival license. The bills also provide that specified licenses may not be used as writs of execution or distraints for rent and prohibits open containers in the county.

## Worcester County

### Liquor Control Board – Salaries

*House Bill 945 (passed)* increases the annual salary of each member of the Worcester County Liquor Control Board from not less than \$2,500 to not less than \$3,000 beginning with the next term of office. The bill also expands the work-related duties eligible for mileage reimbursement to include official duties performed as a member of the board.

## Municipal Governments

### Annexations – Limitations on Uses of Land and Densities of Development

*Senate Bill 404/House Bill 912 (both passed)* were introduced as remedial legislation in response to a decision by the Maryland Court of Appeals. In *Mayor and Council of Rockville, et al. v. Rylyns Enterprises, Inc.*, 372 Md. 514 (2002), the court held that a limitation within an annexation agreement negotiated between a property owner and a municipal corporation that restricted the use of a newly annexed property was considered unlawful conditional or contract zoning. These bills clarify that, in an annexation agreement, a municipality may impose limitations on the use or density of development of the land to a more narrow application than otherwise allowed in the zoning district where the land is located.

### Appeals of Decisions of Port Wardens

Generally, port wardens of a municipality are a five-member panel of municipal citizens appointed by the mayor who regulates the placement, erection, and construction of structures and other barriers within or on the waters of the municipal corporation. An aggrieved party may take an appeal of a decision of a board of port wardens initially to the legislative body of the municipality. In the alternative, *Senate Bill 493/House Bill 1133 (both passed)* authorize an aggrieved party to appeal a decision of the board of port wardens directly to the circuit court for the appropriate county, if authorized to do so by an ordinance passed by the municipal corporation. Currently, the City of Annapolis is the only municipal corporation with a board of port wardens.

### Junkyards and Related Facilities

*Senate Bill 610/House Bill 890 (both passed)* authorize a municipal corporation to adopt an ordinance for the licensing, control, location, or maintenance of junkyards and related facilities. A person who violates an ordinance regarding junkyards and related facilities is guilty of a misdemeanor and upon conviction is subject to a fine of at least \$25 for each day there is a violation. These bills also authorize a municipal corporation to declare a violation of an ordinance regulating junkyards and related facilities to be a municipal infraction.

The provisions of an ordinance adopted under this authority may not be construed to apply to any business licensed on or before June 30, 2004, as an automotive dismantler and recycler or a scrap processor under the Transportation Article of the Annotated Code of Maryland.

All counties have similar authority to adopt an ordinance for the licensing, control, location, or maintenance of junkyards.

### **Urban Renewal Authority for Slum Clearance**

The Town of Sudlersville (Queen Anne's County) in *House Bill 1135 (passed)* sought and received from the General Assembly urban renewal authority for slum clearance under the provisions of Article III, § 61 of the Constitution of Maryland. This bill adds an appendix to the charter of the Town of Sudlersville addressing the town's powers relating to urban renewal projects, the creation of an urban renewal agency, approval of an urban renewal plan, disposal and condemnation of property in an urban renewal area, and the issuance of general obligation and revenue bonds.

With the passage of this bill, 63 out of 156 municipal corporations have urban renewal powers under the Constitution.