

Part D

Local Government

Local Government – Generally

Counties

Kennel Licenses

Dog owners in Maryland are required to obtain a license for each dog they own; however, there are no statewide license or fee requirements specifically for dog breeders. Provisions related to the licensing of dogs vary from county to county. In most counties, the owner of a dog over six months old must apply for a one-year license on or before July 1 of each year.

While many counties are authorized to set their own dog and kennel license fees and a few others are authorized to also set terms or forms for licenses, in general, the fees for dog licenses are \$1 for each male or spayed female dog, \$2 for each unspayed female dog, \$10 for a kennel license for owning or keeping up to 25 dogs, and \$20 for a kennel license for keeping more than 25 dogs.

Senate Bill 839 (passed) requires a person to obtain a kennel license if the person owns or has custody of 15 or more unspayed female dogs over six months old that are kept for the purpose of breeding the dogs and selling their offspring and the person sells dogs from six or more litters in a year.

For each kennel license issued in a county, the bill requires the county to collect and maintain a record of the name and address of the licensee, the number of dogs maintained, and the number of puppies sold in the preceding year. By January 15 of each year, counties must report the information collected for the preceding year to the Department of Labor, Licensing, and Regulation. The bill also authorizes a county to establish additional kennel license fees to cover the cost of collecting and maintaining the information and submitting the reports. A county may establish more stringent kennel licensing requirements.

Authorization to Harvest Seafood and Engage in the Seafood Industry

House Bill 1240 (passed) expands to all counties an authorization to adopt an ordinance, resolution, or regulation or take any other action considered necessary to authorize a person to engage in activities related to the seafood industry and to harvest seafood. Before adopting such an ordinance, resolution, or regulation, the governing body must hold a public hearing and obtain the written consent of the Secretary of Natural Resources.

Prince George's County Ethics Laws

Counties and municipalities are required, under the Maryland Public Ethics Law, to enact provisions to govern the public ethics of local officials relating to conflicts of interest, financial disclosure, and lobbying. Certain municipalities may be exempted or subject to modified requirements under specified circumstances. The provisions generally must be similar to State public ethics laws but may be modified to make the provisions relevant to the jurisdiction.

Several bills were passed during the 2011 session relating to the county ethics laws in Prince George's County.

Public Ethics Requirements

Senate Bill 509 (Ch. 72) requires conflict-of-interest provisions enacted by the county, under the Maryland Public Ethics Law, to prohibit the county government from issuing a credit card to an elected county official or a school board member. The bill also requires conflict-of-interest provisions to prohibit an elected county official from directly or indirectly soliciting a person to enter into a business relationship with or provide anything of monetary value to a specific individual or entity, if the person being solicited is seeking the success or defeat of county legislation, a county contract, or any other county benefit. A conflict-of-interest provision enacted in accordance with this requirement, however, does not affect the validity of any legally enacted requirement or condition, proposed and adopted on the public record at a public hearing, for the purpose of mitigating the impact of a development on the property owners in the areas surrounding the development, including an adequate public facilities requirement, a minority business requirement, or a community benefit requirement.

Lobbying provisions enacted by Prince George's County, under the Maryland Public Ethics Law, must prohibit a person from being hired as a lobbyist for compensation that is dependent on the outcome of executive or legislative action before the county government.

Additionally, *Senate Bill 509* requires the county's ethics enactments to provide for a county board of ethics composed of five members appointed by the county executive, subject to the advice and consent of the county council, and an executive director of the board of ethics who must meet at least annually with each elected official of the county, assist the officials in preparing required affidavits or other documents, and conduct ethics-related briefings. The county's ethics enactments must also require the county board of ethics to meet at least two times each year.

Limitations to Contributions to Slates

Senate Bill 902 (Ch. 91) expands existing prohibitions and disclosure requirements regarding political contributions to Prince George’s County Council members or the county executive made by, or solicited by, persons or entities with an interest in planning and zoning-related applications to be considered by the Prince George’s County District Council to also apply to contributions to a slate to which a county council member or the county executive belongs or belonged. *Senate Bill 902* also repeals a provision that exempts a council member from a requirement that the member not vote or participate in any way in a proceeding on an application if political contributions have been received by the member if interested persons or entities have not filed an affidavit disclosing such contributions. The bill applies only prospectively and does not prohibit a council member from participating in a Prince George’s County District Council proceeding based on a contribution made before January 1, 2011.

For further discussion of the bills relating to county ethics laws in Prince George’s County, see the subpart “Ethics” under Part C of this *90 Day Report*.

Counties and Municipalities

Direct Deposit of Wages

House Bill 233 (passed) authorizes a county or municipality to pay the wages of an employee by direct deposit and allows a county or municipality to require an employee to receive wages in this manner as a condition of employment, except under specified circumstances.

A county or municipality may not require the payment of wages by direct deposit for an employee (1) who was hired before October 1, 2011, unless the county or municipality, before October 1, 2011, required by local law, regulation, or collective bargaining agreement, the payment of wages by direct deposit; (2) whose employment is not conditioned on the employee receiving the payment of wages by direct deposit; or (3) who does not have a personal bank account and informs the employer of his or her intent to opt out of the direct deposit program.

Counties or municipalities that pay employees by direct deposit must deposit the wages into a personal bank account designated by an employee. The employer must also provide each employee with a direct deposit statement that includes the total amount of the wage, any amount deducted from the wage, and the amount of the wage directly deposited into the employee’s bank account.

House Bill 233 also specifies that an employee who is required or elects to receive wages by direct deposit must complete an electronic fund transfer authorization form and use a personal bank account housed within a financial institution that participates in the automated clearing house electronic payment network.

Bi-county Agencies

While the General Assembly considered numerous bills concerning the bi-county agencies during the 2011 session, only two measures, dealing with the Maryland-National Capital Park and Planning Commission (M-NCPPC), passed.

Maryland-National Capital Park and Planning Commission

The M-NCPPC was established in 1927 and has jurisdiction over parks and land use planning in most of Montgomery and Prince George's counties. The commission is governed by Article 28 of the Annotated Code of Maryland. The commission has 10 members with 5 members each from Montgomery and Prince George's counties, each with four-year terms. The commission prepares and administers a general plan for the physical development of the Maryland-Washington Regional District, an area that encompasses almost all of Montgomery and Prince George's counties. In addition, the commission is charged with acquiring and maintaining a system of parks within the metropolitan district in the two counties. The commission also operates a recreation system for Prince George's County. The commission is funded primarily through various property taxes authorized under Article 28 of the Annotated Code of Maryland and imposed by Montgomery and Prince George's counties. In addition, enterprise fund operations are supported by various service fees and charges.

Site Plan Approval in Prince George's County

Planning and zoning functions in Prince George's County are administered by multiple entities, including the Prince George's County Planning Board (made up of the 5 Prince George's County members of the 10-member M-NCPPC) and its Planning Department staff; the district council (the county council, when acting on planning and zoning matters); the Office of the Zoning Hearing Examiner; and the Board of Zoning Appeals.

Senate Bill 901 (Ch. 90) expands the authority of the Prince George's County Council, sitting as the district council, to review final decisions of the Planning Board on detailed site plan approvals for development projects, subject to a specified timeframe. The measure authorizes the Prince George's County Council, sitting as the district council, to review a final decision of the Prince George's County Planning Board on a detailed site plan, subject to the following timeframe: (1) within 30 days after the Planning Board's final decision, the district council must decide whether to review the final decision; (2) within 70 days after deciding to review a final decision, the district council must hold a review hearing, unless this time period is extended for up to 45 additional days at the decision of the district council or on request of the applicant; and (3) within 60 days after the review hearing, the district council must issue a final decision. In addition, a party of record may appeal to the district council a final decision of the Planning Board on a detailed site plan; and the district council may revoke a delegation of site plan approval authority to the Planning Board for the purpose of delegating site plan approval authority to a municipality in the regional district.

Capital Improvements Program Submission in Prince George’s County

M-NCPPC is required to prepare and submit a six-year capital improvements program to the Prince George’s County Council by November 1 of each calendar year and to the Montgomery County Council on or before November 1 of each odd-numbered calendar year. *House Bill 613 (passed)* alters the date, from November 1 to January 15, before which M-NCPPC is required to prepare and submit a six-year capital improvements program to the Prince George’s County Council.

