

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

**May 16, 2017
Legislative Session Day**

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May 16, 2017**

**CODE HOME RULE
BILL NO. 1-2017**

INTRODUCED BY: William W. Pickrum, President of the Board of County Commissioners for Kent County, Maryland.

AN ACT to amend Chapter 1, General Provisions, and Chapter 3, Administration of Government, to the Code of Public Local Laws of Kent County, Maryland. The purpose of the amendments to these Chapters are to reflect current job titles and descriptions, practices, and procedures, and remove outdated provisions and other language generally related to code revisions.

THE COUNTY COMMISSIONERS OF KENT
COUNTY, MARYLAND

William W. Pickrum, President

INTRODUCED, read first time, May 16, 2017, ordered posted and public hearing scheduled on May 30, 2017, at 6:00 p.m. in the County Commissioners Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland.

By Order of:

Sondra M. Blackiston, Clerk

PUBLIC HEARING

HAVING been posted and notice of time and place of hearing and copies having been made available to the public and the press, a public hearing was held on May 30, 2017. Reported favorably [with] [without] amendments; read second time and ordered to be considered on June 6, 2017, a legislative session day.

A BILL ENTITLED CHR 1-2017 ADMINISTRATIVE LEGISLATION

NOW THEREFORE BE IT ENACTED BY THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND that Chapter 1, General Provisions and Chapter 3, Administration of Government, Article I General Provisions, is hereby amended as follows:

Article I
Adoption of the Code

§ 1-1 Adoption of Code.

The Public Local Laws of Kent County of a general and permanent nature, adopted by the County Commissioners of Kent County, as revised, recodified and consolidated into chapters and sections and consisting of Chapters 1 through 222, are hereby approved, adopted, ordained and enacted as the "Kent County Code," hereinafter known and referred to as the "Code."

§ 1-2 Code supersedes prior provisions; effect of Code.

- A. This Act and the Code shall supersede all other general and permanent laws enacted prior to the enactment of this Code, except such acts as are hereinafter expressly saved from repeal or continued in force.
- B. This Code is a recodification of the laws of the county as contained in the 1989 Edition of the Kent County Code, as have been amended from time to time and which have been enacted and published in accordance with the authority granted in ~~Article 25B, § 10 LOCAL GOVERNMENT ARTICLE §9-311~~, of the Annotated Code of Maryland.

§ 1-3 Effective date.

All provisions of this bill of the Code shall be in full force and effect on and after its passage.

§ 1-4 Copy of Code on file.

A copy of the Code ~~in loose leaf or post binder form has been filed~~ **IS FILED** in the office of the County Commissioners and shall remain there for use and examination by the public ~~until final action is taken on this bill, and if this bill shall be adopted, such copy shall be certified to by the Executive Assistant by impressing thereon the Seal of the county, and such certified copy shall remain on file in the County Commissioners' Office, to~~ **AND** be made available to persons desiring to examine the same during all times while the Code is in effect.

§ 1-5 Amendments to Code.

Any and all additions, amendments or supplements to the Code, when passed and adopted in such form as to indicate the intent of the County Commissioners to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Kent County Code" shall be understood and

intended to include such additions and amendments. Whenever such additions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf or post binder book containing said Code as amendments and supplements thereto.

§ 1-6 Publication and filing.

The ~~Executive Assistant~~ **COUNTY CLERK** of Kent County, pursuant to law, shall cause to be published, in the manner required, a notice of the hearing on this Act in a newspaper of general circulation in the county. Sufficient copies of the Code shall be maintained in the County Commissioners' Office for inspection by the public at all times during regular office hours. Publication of such notice, coupled with availability of copies of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-7 Code book to be kept up-to-date.

It shall be the duty of the ~~Executive Assistant~~ **COUNTY CLERK**, or someone authorized and directed by the ~~Executive Assistant~~ **COUNTY CLERK**, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk of the Circuit Court's Office for the use of the public. All changes in said Code and all bills adopted subsequent to the effective date of this codification, which shall be adopted specifically as part of the Code, shall, when finally adopted, be included therein by reference until such changes or new bills are printed as supplements to said Code books, at which time such supplements shall be inserted therein.

§ 1-8 Sale of Code book.

Copies of the Code book containing the Code may be purchased from the ~~Executive Assistant~~ **COUNTY CLERK** upon the payment of a fee to be set by resolution of the County Commissioners, ~~which may also arrange, by resolution, for procedures for the periodic supplementation thereof.~~ **OR PURCHASED DIRECTLY FROM THE PUBLISHER.**

§ 1-9 Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or parts thereof.

§ 1-10 Repeal of legislation.

All legislation or parts of legislation of a general and permanent nature adopted and in force on the date of the adoption of this Act and not contained in the Code are hereby repealed as of the effective date of this adopting bill, except as hereinafter provided.

§ 1-11 Legislation saved from repeal.

The adoption of this Code and repeal of legislation provided for in § 1-10 of this Act shall not affect the following legislation, rights and obligations, which are hereby expressly saved from repeal:

- A. Any legislation adopted subsequent to March 1, 1994.
- B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this Act or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this Act in violation of any legislative provisions or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this Act brought pursuant to any legislative provision.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred.
- F. Any legislation providing for the laying out, opening, altering, widening, relocating, straightening, establishing of grade, changing of name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- G. Any legislation or resolution appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the county's indebtedness.
- H. Legislation authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.
- I. The levy or imposition of taxes, assessments or charges.
- J. The dedication of property or approval of preliminary or final subdivision plats.
- K. Legislation establishing the amount and manner of payment of salaries or compensation of officers and employees, establishing workdays and working hours of certain employees and providing for holidays and vacations for employees and keeping of employment records.
- L. Legislation relating to subdivision of land or zoning.
- M. All resolutions.

§ 1-12 Changes in previously adopted bills.

- A. In compiling and preparing the legislation for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one (1) or more of said Acts. It is the intention of the County Commissioners that all such changes be adopted as part of the Code as if the bills so changed had been previously formally amended to read as such.
- B. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this Act. (Chapter and section number references are to the Acts as they have been renumbered and appear in the Code.

C. Throughout the Code the following terms were updated as follows:

- (1) ~~"Clerk" to "County Administrator or the designee."~~
- (21) "County Roads Engineer" ~~to~~ **AND** "County Roads Superintendent" **TO DIVISION CHIEF OF ROADS.**
- (32) "Director of Civil Defense" to "Emergency Management Director."
- (~~4~~ 3) "Director of Planning" to "Director of Planning, **HOUSING**, and Zoning Administration"
- (54) "Housing Administrator" to "Building Code Administrator" (only in Parts I and II of the Code)
- (65) ~~"Administrative Assistant" to~~ "Executive Assistant" **TO "COUNTY CLERK"**.

D. Fees were removed and replaced with "fees as set forth from time to time by the County Commissioners" in the following sections: §§ ~~13-7A, 64-2J, 64-3I, 68-8A(5) and (6) and 192-38H.~~

§ 1-13 Deposit of copies with state agencies.

Pursuant to § ~~12(h) of Article 25B~~ **LOCAL GOVERNMENT ARTICLE §9-102** of the Maryland Code, a copy of the Kent County Code shall be deposited with the Maryland Department of Legislative Reference **SERVICES.**

§ 1-14 (Reserved).

§ 1-15 (Reserved).

Chapter 3
Administration of Government

Article I
General Provisions

§ 3-1 Establishment of County Commissioners.

There shall be three County Commissioners of Kent County after the expiration of the terms of the two County Commissioners who were elected on the Tuesday after the first Monday of November 1913.

§ 3-2 Terms and compensation.

Three County Commissioners of Kent County shall be elected at the general election to be held on a Tuesday after the first Monday of November in 1946 and every fourth year thereafter for a term of four years. They shall have all of the powers and perform all of the duties that are now or hereafter may be imposed on them by law, and they shall receive a salary of \$15,000 per annum. Commissioners taking office on or after December 2, 2014, shall receive a salary of \$20,000 per annum and shall be reimbursed for expenses incurred in performance of their duties as County Commissioners. They shall not be compensated for serving on the Board of License Commissioners or serving as ex-officio members of any other County boards or committees.

§ 3-3 QUALIFICATIONS.

A CANDIDATE FOR COUNTY COMMISSIONER SHALL BE AT LEAST 21 YEARS OF AGE, A REGISTERED VOTER OF KENT COUNTY, AND A RESIDENT THEREOF AT THE TIME OF ELECTION AND DURING THE ENTIRE TIME OF SERVICE.

§ 3-~~3~~ 4 Meetings.

Said County Commissioners ~~shall~~ **MAY** meet every Tuesday in each calendar month from the first day of January to the first day of January next succeeding, or at other times as may be necessary. **ON TUESDAYS, BUT SHALL MEET AT LEAST TWO TUESDAYS EACH MONTH, OR AT OTHER TIMES AS MAY BE NECESSARY. THE COMMISSIONERS SHALL SET THE MEETING SCHEDULE AT THE BEGINNING OF THE CALENDAR YEAR OR FROM TIME TO TIME AS NECESSARY.**

§ 3-~~4~~ 5 Legislative sessions.

- A. Total session days. The County Commissioners may sit 45 days in each year for the purpose of enacting legislation; such legislation days may, but need not, be consecutive.
- B. Annual legislative session. The County Commissioners may meet for an annual legislative session up to 15 legislative days commencing on the second Tuesday of May of each year.
- C. Monthly legislative session days. The County Commissioners ~~shall~~ **MAY** also meet on the first and third Tuesdays of each month, except in November in a County Commissioners election year, for the purpose of enacting legislation, but if said first or third Tuesday shall be a holiday,

said session day ~~shall~~ **MAY** be held on the next succeeding Tuesday which is not a holiday.

- D. Emergency sessions. The County Commissioners may be called into emergency session for the purpose of enacting emergency legislation by a majority of the County Commissioners.
- E. Quorum. A majority of the County Commissioners shall constitute a quorum for the transaction of business, except that for emergency sessions the attendance of all of the County Commissioners shall be required.
- F. Rules of procedure. It shall be the duty of the County Commissioners to adopt rules of procedure for the legislative sessions.

~~§ 3-5 6 Courthouse~~ **COUNTY OFFICES hours OF OPERATION.**

The County Commissioners shall establish, from time to time, the hours during which the Courthouse **COUNTY OFFICES** shall remain open during the weekdays.

~~§ 3-67~~ Administration of oaths.

The President and County Administrator or the designee of said Commissioners may administer oaths relating to the business matters of said Board in all cases required by the laws of this state or the rules and regulations of said Commissioners.

~~§ 3-78~~ Benefits.

The County Commissioners of Kent County, Maryland, are hereby expressly authorized to establish and maintain a general system of pensions and retirement and group insurance for the benefit and advantage of its officers and employees, with necessary classifications and terms of admissions. The County Commissioners also shall have the authority to make special provisions for retirement funds for employees who reach retirement age prior to the origination of a retirement system.

~~§ 3-8 9~~ Flag and Seal.

- A. The Official Flag of Kent County, Maryland, is one bearing the Great Seal of Kent County upon a blue field with, inscribed in white above the Seal, the word "Kent" and below the Seal the word "County" and below that the date "1642," signifying the year the county was established.
- B. The Great Seal of Kent can be generally described as consisting of a shield bearing the full blazonry of the House of Stuarts, within the center a lion rampant of the paternal shield of Nassau, denoting the House of Orange. The inclusion of the heraldic symbols of the Houses of Stuart and Orange signifies the joint sovereignty of William of Orange and Mary of the House of Stuart at the time the seal was adopted.

Article II
Finances

§ 3-9-10 Borrowing procedure.

In addition to whatever borrowing procedures may now or hereafter be established or provided by public general or public local law applicable to the County Commissioners of Kent County with respect to any borrowing authority now or hereafter granted to the County Commissioners of Kent County by an Act of the General Assembly, the terms of which permit general obligation bonds evidencing the exercise of such borrowing authority to be sold at private sale, said County Commissioners are hereby authorized to exercise the borrowing authority of said Act in whole or in part by negotiating, at one time or from time to time, a loan or loans with one or more banks or trust companies having an office or offices in the county. All terms and conditions of such loan or loans, including the form or forms of evidence of indebtedness and the time or times, place or places, amount or amounts and conditions of repayment of the principal thereof and interest thereon, shall be determined by resolution of the County Commissioners in the exercise of their absolute discretion for the best interests of the county and shall not be limited or conditioned by any other provision of public general or public local law, whether or not contained in said Act or in ~~Article 31~~ **THE LOCAL GOVERNMENT ACT** of the Annotated Code of Maryland, **CREATION OF PUBLIC Debt —** ~~Public~~ **CODE COUNTIES**, or elsewhere; provided, however, that the resolution shall refer to said Act the borrowing authority of which is being so exercised. Any such resolution shall constitute, and shall recite that it so constitutes, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County Commissioners of Kent County to the payment of the principal of and interest on the loans therein provided for.

§ 3-910.1 Borrowing authorized.

- A. The County Commissioners of Kent County are hereby authorized and empowered pursuant to ~~§§ 14 to 21, inclusive, of Article 25B~~ **THE LOCAL GOVERNMENT ARTICLE, TITLE 19, SUBTITLE 3 5** of the Annotated Code of Maryland, as amended from time to time, to borrow money and incur indebtedness for the public purposes described in Subsection B of this section, in any fiscal year, in an aggregate principal amount not exceeding \$20,000,000, and to evidence such borrowing by the issuance and sale, at public or private sale, upon its full faith and credit, of its general obligation bonds in like par amount, which may be issued at one time or from time to time in such fiscal year, in one or more groups or series, as the County Commissioners of Kent County may determine.
- B. The net proceeds from the sale of the bonds authorized to be issued under this section shall be used and applied for the financing or refinancing general operating expenses or capital improvements of the County Commissioners of Kent County.
- C. Prior to issuing all or any part of the bonds authorized to be issued hereunder, the County Commissioners shall adopt a resolution containing all of the provisions required under ~~§ 15(4) of Article 25B~~ **THE LOCAL GOVERNMENT ACT, §19-504** of the Annotated Code of Maryland, as amended from time to time. The resolution may also contain such other provisions as the County Commissioners may deem appropriate. The resolution may be adopted by the County Commissioners at any time after the enactment of this section and the appropriate officers of the County Commissioners of Kent County may take any action deemed appropriate to effect the timely issuance and sale of the bonds pursuant to the resolution at any

time after the enactment of this section, provided only that the resolution may not become finally effective until the effective date of the Act enacting this section. The bonds may be sold on any date or dates after the effective date of the Act enacting this section.

D. Levy of taxes to pay bonds.

- (1) For the purpose of satisfying the debt service requirements on the bonds, the County Commissioners of Kent County shall levy for each and every fiscal year during which any of the bonds may be outstanding ad valorem taxes upon all real and tangible personal property within its boundaries subject to assessment for unlimited taxation by County Commissioners of Kent County in rate and amount sufficient to provide for the prompt payment of the principal of and the interest on the bonds maturing in each fiscal year; and, in the event the proceeds from the collection of the taxes so levied in any such fiscal year may prove inadequate for such purpose, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.
- (2) The full faith and credit and unlimited taxing power of the County Commissioners of Kent County are hereby irrevocably pledged to the prompt payment of the maturing principal of and interest on the bonds as and when the same respectively mature, and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the bonds. The County Commissioners of Kent County hereby covenant with each holder of any of the bonds to take any action that may be appropriate from time to time during the period that any of the bonds remain outstanding and unpaid to provide the funds necessary to make the principal and interest payments due thereon and further covenant and agree to levy and collect the taxes hereinabove described.

~~E. The bonds authorized to be issued hereunder are hereby specifically exempted from the provisions of §§ 9 to 11, inclusive, of Article 31 of the Annotated Code of Maryland, as amended from time to time.~~

~~E.~~ **E.** In addition to the authority provided in Subsections A through ~~E D~~, inclusive, of this section, the County Commissioners of Kent County are hereby authorized pursuant to ~~§§ 14 to 21, inclusive, of Article 25B~~ **THE LOCAL GOVERNMENT ACT, §§19-205 AND 19-206** of the Annotated Code of Maryland, as amended from time to time, and ~~§ 24 of Article 31~~ **THE LOCAL GOVERNMENT ARTICLE, §19-207** of the Annotated Code of Maryland, as amended from time to time (the "Refunding Act") to issue its bonds ("refunding bonds") for the purpose of refunding any bonds issued heretofore or hereafter under this section. References to the bonds in Subsection B through ~~E D~~, inclusive, of this section shall include the refunding bonds, unless the context requires otherwise. The refunding bonds may be issued at one time or from time to time, for one or more public purposes specified for the issuance of refunding bonds in the Refunding Act, and sold at public or private sale, as may be further provided in the resolution of the County Commissioners adopted pursuant to Subsection C of this section. The aggregate principal amount of refunding bonds shall not exceed 120% of the principal amount of the bonds being refunded. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded.

~~§ 3-10~~ **1.** Compensation of boards.

Members of boards, commissions and committees appointed by the County Commissioners of Kent County shall not be paid any compensation for their services, **EXCEPT WHERE OTHERWISE PROVIDED IN THIS CODE**, but may be reimbursed for reasonable expenses incurred in their duties as designated by the County Commissioners.

§ ~~3.11~~ ~~2 3-11~~ ~~[H]~~ **(RESERVED)** Sanitary District Commission.

~~The County Commissioners of Kent County are hereby authorized and directed to pay each and every year to the members of the Commission of the Kent County Sanitary District, Inc., an amount adopted by resolution by the County Commissioners from time to time. The County Commissioners of Kent County are also authorized to pay to the members of the Commission of the Kent County Sanitary District, Inc., out of pocket expenses and reimbursement for mileage. These expenses shall be paid on the submission of vouchers thereof to, and after approval by, the Board of County Commissioners. The County Commissioners are authorized to levy yearly upon the assessable property of Kent County a rate of tax sufficient to produce the sum or sums so to be annually paid to said Commission.~~

Article III Publication

§ 3-1~~22~~ **3** Notices.

It shall be considered sufficient compliance in Kent County as respects any notice or advertising required by law to be published that such notice or advertising be printed and published in one or more newspapers published in Kent County.

Article IV Administrator and ~~Executive Assistant~~ **COUNTY CLERK**

§ 3-1~~33~~ **4** County Administrator.

- A. The office of County Administrator of Kent County is created. The Board of County Commissioners of Kent County may appoint the Administrator from time to time. This person shall be selected on the basis of executive, administrative and fiscal abilities, including knowledge and experience in public administration, public finance, accounting and public affairs. The Administrator shall receive an annual salary to be established by the County Commissioners. The Administrator shall execute a surety bond in favor of the Board of County Commissioners, in such amount and with such corporate surety as prescribed by the Board, with the condition that the Administrator shall execute the duties of office well and faithfully as required by law, and the premium for the bond shall be paid from county funds. The Administrator shall hold office at the pleasure of the Board.
- B. The Administrator shall devote full time to the work of the county and shall be responsible to the County Commissioners for the proper administration of the affairs of office.
- C. The County Administrator shall have the following powers and duties:
 - (1) To be the chief administrative officer of the county and, under the general supervision and control of the Board of County Commissioners, to be responsible for and handle the day-to-day operations of the county government.

(2) To perform such other duties and functions as may be assigned from time to time by the Board of County Commissioners.

D. In the temporary absence of the County Administrator, the Board of County Commissioners may appoint an Acting County Administrator. During the period of holding this position, the Acting County Administrator has all the powers, duties, functions and responsibilities of the office of County Administrator.

§ 3-1-4-5 ~~Executive Assistant~~. **COUNTY CLERK.**

~~[2]~~The Board of County Commissioners of Kent County may appoint a County ~~Executive Assistant~~-**CLERK**. The ~~Executive Assistant~~ **COUNTY CLERK** shall be selected on the basis of executive and administrative abilities, including knowledge and experience in public administration, public finance, recordkeeping and public affairs. The County ~~Executive Assistant~~ **CLERK** shall receive an annual salary to be established by the County Commissioners. The County ~~Executive Assistant~~ **CLERK** shall devote full time to the work of the county and shall be responsible to the County Commissioners for the proper administration of county affairs. The ~~Executive Assistant~~ **COUNTY CLERK** shall at all times be held responsible for the proper discharge of the duties of the office but may delegate to appropriate employees such authority as may be deemed necessary to carry out the duties of the office. The County ~~Executive Assistant~~ **CLERK** shall have the following powers and duties:

- A. To conduct the day-to-day routine business of the County Commissioners.
- B. To attend meetings of the County Commissioners and keep minutes and proceedings of such meetings.
- C. To assist the County Commissioners of Kent County and the County Administrator in the performance of their duties.
- D. To perform the duties normally performed by the Administrator during the temporary absence of the County Administrator, when no other Acting Administrator has been appointed.

SECTION 3. BE IT FURTHER ENACTED by the County Commissioners of Kent County that this Act shall take effect on the 20th day of July, 2017.

Read Third Time June 6, 2017

PASSED this 6th day of June, 2017.

Failed of Passage _____

By Order of:

Sondra M. Blackiston, Clerk

THE COUNTY COMMISSIONERS OF KENT COUNTY

(SEAL)

William W. Pickrum, President

Ronald H. Fithian, Member

William A. Short, Member

ORDERED a fair summary thereof of the entire bill shall be published in at least one newspaper of general circulation in the County, not less than three times at weekly intervals within a four week period.