

**CODE**  
of the  
**PUBLIC LOCAL LAWS**  
of  
**SOMERSET COUNTY**

(Article 20 of the Code of Public Local Laws of Maryland)

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Comprising all the Public Local Laws of the State of Maryland  
in effect in Somerset County to and inclusive  
of the Acts of the General Assembly of Maryland of 2003

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Legalized by Chapter 271 of the Acts of the General Assembly of Maryland of 2003

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Edited by the  
State Department of Legislative Services

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Annapolis, Maryland  
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## **Title 1. Circuit Court**

### **Subtitle 1. Court Stenographers**

#### **1-101. Employment authorized.**

The judge of the Somerset County Circuit Court may employ a stenographer to serve in the Circuit Court. (P.L.L., 1930, Art. 20, sec. 28; 1963 Code, sec. 5; 1908, ch. 437, sec. 1 (p. 747); 1977 Code, sec. 2; 1988, ch. 700)

#### **1-102. Compensation; additional employment.**

(a) *Allocation of payment obligation.* The salary of the stenographer shall be set by the judge of the Circuit Court and shall be paid by the County Commissioners of Somerset County, payments to be made in monthly installments during the service, on the presentation of the certificate of the judge of the court, to the County Commissioners certifying to the services of the court stenographer.

(b) *Additional court stenographer.* The judge of the Circuit Court may employ an additional court stenographer or court stenographers, when in the judge's discretion the volume of work requires, at the same compensation as provided in (a). (P.L.L., 1930, Art. 20, sec. 29; 1963 Code, sec. 6; 1908, ch. 437, sec. 2 (p. 747); 1937, ch. 67; 1941, ch. 871; 1947, ch. 290; 1949, ch. 648, sec. 29(a); 1953, ch. 471, sec. 29(a); 1959, ch. 83, sec. 29(a); 1959, ch. 544, sec. 29(a); 1963, ch. 428, sec. 29(b); 1964, 1st Sp. Sess., ch. 27; 1966, ch. 442; 1967, ch. 524, sec. 6; 1977 Code, sec. 3; 1988, ch. 700)

1-103. Tenure; duties.

The stenographer appointed under this subtitle serves for one year or until the stenographer's successor is appointed by the judge, but serves at the judge's pleasure. The stenographer is an officer of the court and shall perform the duties required by the judge of the court. The stenographer shall furnish typewritten or printed copies to the attorneys of the court as prescribed and directed by the court. (P.L.L., 1930, Art. 20, sec. 30; 1963 Code, sec. 7; 1908, ch. 437, sec. 3 (p. 747); 1977 Code, sec. 4; 1988, ch. 700)

### **Subtitle 2. Secretary to Judge**

#### **1-201. Employment; salary.**

The Circuit Court judge may employ a secretary, who shall be paid the salary set by the County Commissioners. (1969, ch. 58; 1977 Code, sec. 5; 1988, ch. 700)

### **Subtitle 3. Deeds**

#### **1-301. Transfer of property in Crisfield and Princess Anne.**

A deed conveying real estate or chattels real located within the corporate limits of the towns of Crisfield and Princess Anne may not be recorded by the Clerk of the Circuit Court for Somerset County among the land records of the County until the conveyed property has been transferred on the assessment books in the office of the city clerk of Crisfield and of Princess Anne. (1963 Code, sec. 8; 1959, ch. 455; 1977 Code, sec. 6; 1988, ch. 700)

**Subtitle 4. Jurors**

**1-401. Compelling attendance.**

The judge has the same power to compel attendance of jurors and to proceed in all other matters for which provision is not made in this subtitle as under Title 8 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland. (P.L.L., 1930, Art. 20, sec. 211; 1963 Code, sec. 147; 1890, ch. 627, sec. 4; 1977 Code, sec. 41; 1988, ch. 700)



## **Title 2. County Commissioners**

### **Subtitle 1. Commissioners**

#### **2-101. Number; compensation.**

(a) *Number.* There are 5 County Commissioners for Somerset County, who hold office for 4 years and until their successors are elected and qualified.

(b) *Salary.* Each Commissioner shall receive an annual salary of \$6,000.

(c) *Expenses.* Each Commissioner may receive reimbursement of no more than \$1,500 a year for food and mileage expenses for any official duties. The County Commissioner shall submit a reimbursement voucher for each excursion, signed by 3 of the 5 Commissioners. (P.L.L., 1888, Art. 20, sec. 41; 1930, sec. 31; 1963 Code, sec. 9; 1867, ch. 235; 1868, ch. 77; 1892, ch. 346, sec. 41; 1927, ch. 260; 1937, ch. 537; 1945, ch. 1058; 1966, ch. 306, sec. 9; 1969, ch. 370; 1971, ch. 342; 1977, ch. 833, sec. 9; 1982, ch. 203; 1985, ch. 68; 1977 Code, sec. 7; 1988, ch. 700; 1989, ch. 57; 1997, ch. 55; 2001, ch. 262)

#### **2-102. Districts.**

(a) *Districts.* The County is divided into 5 commissioners' districts.

(b) *District 1.* District 1 consists of the area that is bounded by a line that begins at the intersection of Broad Street and Somerset Avenue, running along the center of Broad Street in an easterly direction across railroad tracks to the intersection of College Backbone Road and University Boulevard, then along an imaginary line in an easterly direction through the University of Maryland Eastern Shore to its intersection with College Backbone Road, continuing along the center of College Backbone Road to Palmetto Church Road, continuing along the center of Palmetto Church Road to West Post Office Road, then running in a southwesterly direction along the center of West Post Office Road to Perryhawkin Road, then along the center of Perryhawkin Road to Election District Line No. 15 & No. 4 (approximately 950 feet north of Charles Boston Road), then along an imaginary line in a westerly direction (approximately 150 feet) to Kings Creek running along the center of Kings Creek in a southwesterly direction crossing Dublin Road, continuing along the center of Kings Creek to a point that is approximately 550 feet from its intersection with Mitchell Road, then along an imaginary line in a southerly direction to the intersection of Arden Station Road and the Conrail Railroad tracks, then in a southerly direction along the center of Arden Station Road to U.S. Rt. 13, crossing U.S. Rt. 13 in a southwesterly direction to Mennonite Church Road, continuing along the center of Mennonite Church Road to Turkey Branch Road, continuing in a westerly direction along the center of Turkey Branch Road to Old Westover Marion Road, then in a northerly direction along the center of Old Westover Marion Road to Ritzel Road, then in a westerly direction along the center of Ritzel Road to Crisfield Highway (Md Route 413), crossing Crisfield Highway (Md Route 413) to Fairmount Road (Md Route 361), continuing along the center of Fairmount Road (Md Route 361) to Millard Long Road, then in a northerly direction along the center of Millard Long Road to Revells Neck Road, then in an easterly

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direction continuing along the center of Revells Neck Road to Stewart Neck Road, then continuing in a northeasterly direction along the center of Stewart Neck Road to Kings Creek, then in a southeasterly direction along the center of Kings Creek to U.S. Rt. 13, continuing along the center of U.S. Rt. 13 in a northerly direction to Somerset Avenue, continuing along the center of Somerset Avenue to South Street, continuing in a westerly direction to the end of South Street to Beckford Avenue, then in a northerly direction running along the center of Beckford Avenue to Washington Street, continuing in an easterly direction along the center of Washington Street to Church Street, continuing in a northerly direction along the center of Church Street to Prince William Street, continuing in an easterly direction along the center of Prince William Street to Somerset Avenue, continuing in a northerly direction along the center of Somerset Avenue to Broad Street.

(c) *District 2.* District 2 consists of the area that is bounded by a line that runs along the center of Monie Bay, beginning at the Wicomico-Somerset county line (near Nail Point), to Monie Creek, then along the center of Monie Creek in an easterly direction to Rt. 362 (Mt. Vernon Road), crossing Rt. 362 (Mt. Vernon Road) then to Monie Creek, continuing along the center of Monie Creek to East Ridge Road, in an easterly direction along the center of East Ridge Road then continuing in a southerly direction along the center of East Ridge Road to Rt. 362 (Mt. Vernon Road), then in an easterly direction along the center of Rt. 362 (Mt. Vernon Road) to U.S. Rt. 13, continuing in a southerly direction along the center of U.S. Rt. 13 to Linden Avenue, then along the center of Linden Avenue to Beckford Avenue, then in a northerly direction along the center of Beckford Avenue to Washington Street, then along the center of Washington Street in an easterly direction to Church Street, continuing in a northerly direction along the center of Church Street to Prince William Street, then in an easterly direction along the center of Prince William Street to Somerset Avenue, then continuing in a northerly direction along the center of Somerset Avenue to Broad Street, then continuing in an easterly direction along the center of Broad Street across railroad tracks to the intersection of College Backbone Road and University Boulevard, then along an imaginary line in an easterly direction through the University of Maryland Eastern Shore to its intersection with College Backbone Road, continuing along the center of College Backbone Road to Palmetto Church Road, continuing along the center of Palmetto Church Road to West Post Office Road, running in a southwesterly direction along the center of West Post Office Road to Perryhawkin Road, then running along the center of Perryhawkin Road to Election District Boundary Line No. 15 and No. 4 (beginning point approximately 950 feet north of Charles Boston Road), continuing in a northeasterly direction along Election District Boundary Line No. 15 and No. 4 (approximately 3 miles) to Dividing Creek, continuing in a northerly direction along the center of Dividing Creek to Meadowbridge Road, continuing in a northwesterly direction along the center of Meadowbridge Road to Passerdyke Creek, then in a northwesterly direction along the center of Passerdyke Creek to the Wicomico Creek, then to the Wicomico River, then to Monie Bay (Nail Point).

(d) *District 3.* District 3 consists of the area that is bounded by a line that runs along the center of Monie Bay, beginning at the Wicomico-Somerset county line (near Nail Point), to Monie Creek, continuing along the center of Monie Creek in an easterly direction to Rt. 362 (Mt. Vernon Road), crossing Rt. 362 (Mt. Vernon Road) to Monie Creek, continuing along the center of Monie Creek to East Ridge Road, continuing in an easterly direction along the center of East Ridge Road then, continuing in a southerly direction along the center of East Ridge Road to Rt.

362 (Mt. Vernon Road), then in an easterly direction along the center of Rt. 362 (Mt. Vernon Road), to U.S. Rt. 13, continuing in a southerly direction along the center of U.S. Rt. 13 to Linden Avenue, then along the center of Linden Avenue to Beckford Avenue, then in a southerly direction along the center of Beckford Avenue to South Street, then along the center of South Street to its end to Somerset Avenue, then along the center of Somerset Avenue in a southerly direction to U.S. Rt. 13, continuing in a southerly direction along the center of U.S. Rt. 13 to Kings Creek, in a westerly direction along the center of Kings Creek to Stewart Neck Road, then along the center of Stewart Neck Road in a southwesterly direction to Revells Neck Road, then in a westerly direction along the center of Revells Neck Road to Millard Long Road, then along the center of Millard Long Road to Rt. 361 (Fairmount Road), continuing across Rt. 361 (Fairmount Road) to River Road, continuing along the center of River Road to the Big Annemessex River, continuing in a westerly direction along the center of the Big Annemessex River to Tangier Sound then along the center of Tangier Sound to the Wicomico-Somerset county line and Monie Bay (Nail Point).

(e) *District 4.* District 4 consists of the area that is bounded by a line beginning at the intersection of Dividing Creek and Election District Boundary Line No. 15 and No. 4, (at the northeasterly end) continuing across Election District Boundary Line No. 15 and No. 4, in a southwesterly direction (approximately 3 miles) to Perryhawkin Road, then continuing in a westerly direction across an imaginary line (approximately 150 feet) to Kings Creek running along the center of Kings Creek in a southwesterly direction crossing Dublin Road, continuing along the center of Kings Creek to a point that is approximately 550 feet from its intersection with Mitchell Road, then along an imaginary line in a southerly direction to the intersection of Arden Station Road and the Conrail Railroad tracks, then in a southerly direction along the center of Arden Station Road to U.S. Rt. 13, crossing U.S. Rt. 13 in a southwesterly direction to Mennonite Church Road, continuing along the center of Mennonite Church Road to Turkey Branch Road, continuing in a westerly direction along the center of Turkey Branch Road to the Old Westover Marion Road, running along the center of Old Westover Marion Road in a northerly direction to Ritzel Road, continuing in a westerly direction along the center of Ritzel Road to Crisfield Highway (Md Rt. 413), crossing Crisfield Highway (Md Rt. 413) to Fairmount Road (Md Rt. 361), continuing along the center of Fairmount Road (Md Rt. 361) to River Road, continuing along the center of River Road to Big Annemessex River, continuing in a westerly direction along the center of Big Annemessex River, continuing in a southwesterly direction to Ward Creek on Janes Island, then along the center of Ward Creek to a point approximately in the center of the Island, then southerly along an imaginary line to the shoreline at Back Creek, then following the shoreline in a southeasterly direction to Little Annemessex River, continuing along the center of Little Annemessex River connecting to a private right-of-way, running along the center of the private right-of-way to Byrd Road, then along the center of Byrd Road to Jacksonville Road, continuing along the center of Jacksonville Road in a southerly direction to East Pear Street, continuing along the center of East Pear Street to Crisfield Highway (Md Rt. 413), continuing in a northerly direction along the center of Crisfield Highway (Md Rt. 413) to Lawson Barnes Road, then continuing along the center of Lawson Barnes Road in a southeasterly direction approximately 930 feet, then in a southerly direction across an imaginary line of approximately 520 feet to a branch of Johnsons Creek, continuing along the center of a branch of Johnsons Creek to Johnsons Creek, continuing along the center of Johnsons Creek to Cash Corner Road, then in an easterly direction along the center of Cash Corner Road to Phoenix

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Church Road, continuing along the center of Phoenix Church Road (approximately 1180 feet) then in a southerly direction to a branch of Horse Creek, then along the center of a branch of Horse Creek, to Ape Hole Creek, then along the center of Ape Hole Creek to the Pocomoke Sound and the Maryland-Virginia state line, then along the state line to the Pocomoke River, then along the Pocomoke River to the Somerset-Worcester county line, then along the county line (Pocomoke River) to Dividing Creek, continuing along the center of Dividing Creek to Election District No. 15 and No. 4.

(f) *District 5.* District 5 consists of Smith Island, South Marsh Island, and the area that is generally south and west of a line that runs along the center of Ward Creek on Janes Island to a point approximately in the center of the Island, then southerly along an imaginary line to the shoreline at Back Creek, then following the shoreline in a southeasterly direction to Little Annemessex River, continuing along the center of Little Annemessex River connecting to a private right-of-way, running along the center of the private right-of-way to Byrd Road, then along the center of Byrd Road to Jacksonville Road, continuing along the center of Jacksonville Road in a southerly direction to East Pear Street, continuing along the center of East Pear Street to Crisfield Highway (Md Rt. 413), continuing in a northerly direction along the center of Crisfield Highway (Md Rt. 413) to Lawson Barnes Road, then continuing along the center of Lawson Barnes Road in a southeasterly direction approximately 930 feet, then in a southerly direction across an imaginary line of approximately 520 feet to a branch of Johnsons Creek, continuing along the center of a branch of Johnsons Creek to Johnsons Creek, continuing along the center of Johnsons Creek to Cash Corner Road, then in an easterly direction along the center of Cash Corner Road to Phoenix Church Road, continuing along the center of Phoenix Church Road (approximately 1180 feet) then in a southerly direction to a branch of Horse Creek, then along the center of a branch of Horse Creek to Ape Hole Creek, then along the center of Ape Hole Creek to the Pocomoke Sound and the Maryland-Virginia state line.(P.L.L., 1930, Art. 20, sec. 32; 1963 Code, sec. 10; 1910, ch. 76 (p. 1130); 1969, ch. 370, sec. 3; 1977 Code, sec. 8; 1988, ch. 700; 1994, ch. 41; 2002, ch. 391)

**2-103. Saturday hours.**

The County Commissioners may close their office on Saturdays. (1963 Code, sec. 12; 1957, ch. 763; 1963, ch. 429, sec. 33A; 1977 Code, sec. 10; 1988, ch. 700)

**Subtitle 2. County Administrator and Clerk**

**2-201. Clerk to Commissioners.**

(a) *Appointment.* The Board of County Commissioners shall appoint a Clerk on the first day that the County Commissioners' term of office begins.

(b) *Term.* The term of the Clerk is 4 years and shall run concurrently with the term of office of the County Commissioners.

(c) *Vacancy.* If the office of the Clerk becomes vacant because of death, resignation, incompetency, or other disqualification of the Clerk for the office, the Board of County

Commissioners shall fill the vacancy for the period of the unexpired term.

(d) *Salary.* The Clerk shall receive an annual salary as set by the Board of County Commissioners.

(e) *Oath.* Before taking up the Clerk's official duties, the Clerk shall take and subscribe to the following oath or affirmation before any one of the County Commissioners, any one of whom may administer the oath: "I, (name of clerk), do solemnly swear or affirm that, as Clerk to the Board of County Commissioners, I will honestly and faithfully, to the best of my skill and judgment, execute the duties pertaining to the office which I am about to assume, without favor, partiality, or prejudice, so help me God."

(f) *Duties - Generally.* The Clerk shall perform all duties required of the Clerk by law or which may be required by an order of the Board of County Commissioners.

(g) *Duties - Specific.*

(1) The Clerk shall cause to be made complete and accurate minutes of all transactions and proceedings of the Board of County Commissioners. The Clerk shall cause the transactions, proceedings, and orders of the Board of County Commissioners to be recorded in suitable books for that purpose.

(2) The Clerk shall endorse and file all papers presented to the Board of County Commissioners and acted on by the Board of County Commissioners.

(3) The Clerk shall keep and carefully preserve all books and papers pertaining to the Board of County Commissioners.

(4) (i) During regular office hours each weekday, other than legal holidays, the Clerk, at the request of any citizen or taxpayer of the County, shall show the books in the Board of County Commissioners' office to that person and make and certify copies or extracts from those books on the request of that person.

(ii) The Clerk may charge an appropriate fee to make the copies.

(5) (i) The Clerk shall give bond in the penalty of \$5,000 properly conditioned on the faithful performance of the Clerk's duties.

(ii) The bond shall be secured by a bonding or surety company.

(iii) The premium on the bond shall be approved and paid by the Board of County Commissioners. (P.L.L., 1860, Art. 19, sec. 41; 1888, Art. 20, sec. 42, 44; 1930, sec. 33, 35; 1963 Code, sec. 11, 15; 1874, ch. 109; 1892, ch. 346, sec. 42; 1894, ch. 579, sec. 42; 1947, ch. 894, sec. 33; 1951, ch. 340; 1963, ch. 429, sec. 35; 1974, ch. 277, sec. 15; 1977 Code, sec. 9, 13; 1988, ch. 700; 2003, ch. 272)

**2-202. Clerk; oaths administered by.**

The Clerk may administer the oaths and take the probates of all public accounts presented to the Commissioners for allowance, in the same manner and to the same effect and extent as probates have been made previously before a court of competent jurisdiction. (P.L.L., 1888, Art. 20, sec. 44; 1930, sec. 35; 1963 Code, sec. 15; 1874, ch. 109; 1963, ch. 429, sec. 35; 1974, ch. 277, sec. 15; 1977 Code, sec. 13; 1988, ch. 700; 2003, ch. 272)

**2-203. County Administrator.**

(a) *Appointment.* The County Commissioners may appoint a County Administrator.

(b) *Term; vacancy.*

(1) The term of the County Administrator is 4 years from the first Tuesday in December, 1986 and every 4 years thereafter.

(2) If the office of County Administrator becomes vacant because of death, resignation, or for incompetency or other disqualifications for the office, the County Commissioners may fill the vacancy for the period of the unexpired term.

(c) *Salary.* The salary of the County Administrator shall be set annually by the County Commissioners. (1985, ch. 66; 1977 Code, sec. 9A; 1988, ch. 700; 2003, ch. 272)

**Subtitle 3. Fiscal Matters**

**2-301. Audits.**

The County Commissioners may employ a competent person to audit the accounts of any County official having the custody of any public funds. (P.L.L., 1930, Art. 20, sec. 18; 1963 Code, sec. 1; 1927, ch. 513; 1977 Code, sec. 28; 1988, ch. 700)

**2-302. Borrowing in anticipation of taxes.**

The County Commissioners may borrow on the faith and credit of Somerset County money needed for County purposes for which provision has been made in the annual levy. They may not borrow at any one time more than 50 percent of the amount of taxes which have been levied but remain uncollected and they may issue a note or notes for them. The lender is not required to oversee the proper application of the money loaned. (1963 Code, sec. 14; 1933, ch. 8; 1977 Code, sec. 12; 1988, ch. 700)

**2-303. Payments to jurors and witnesses.**

(a) *Payment.* The County Commissioners shall provide for the immediate payment of jurors and State's witnesses in attendance in the court. The payment shall be made by the treasurer upon presentation and endorsement of the certificate of the attendance issued by the

Clerk of the Circuit Court to each of the jurors and witnesses presenting a certificate.

(b) *Source of funds.* The County Commissioners shall estimate for and levy in advance each year a sum sufficient to pay the jurors and State's witnesses who are summoned to attend the court. (P.L.L., 1860, Art. 19, sec. 42; 1888, Art. 20, sec. 43; 1930, sec. 34; 1963 Code, sec. 13; 1892, ch. 346, sec. 43; 1963, ch. 429, sec. 34; 1974, ch. 277, sec. 13; 1977 Code, sec. 11; 1988, ch. 700)

**2-304. Appropriations to fire companies.**

(a) *Amounts.*

(1) The County Commissioners shall appropriate and levy annually the following amounts for the use of the organized volunteer fire companies in the County:

Fire Company	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Crisfield Volunteer Fire Company	\$43,800	\$44,900	\$46,000	\$47,100	\$48,200
Princess Anne Volunteer Fire Company	\$43,800	\$44,900	\$46,000	\$47,100	\$48,200
Marion Volunteer Fire Company	\$27,900	\$28,600	\$29,300	\$30,000	\$30,700
Deal Island-Chance Volunteer Fire Company	\$24,300	\$24,900	\$25,500	\$26,100	\$26,700
Ewell Fire Department, Inc., of Smith Island	\$19,400	\$19,900	\$20,400	\$20,900	\$21,300
Mount Vernon Volunteer Fire Company, Inc.	\$19,400	\$19,900	\$20,400	\$20,900	\$21,300
Tylerton Volunteer Fire Company	\$6,000	\$6,200	\$6,300	\$6,500	\$6,600
Fairmount Volunteer Fire Company	\$19,400	\$19,900	\$20,400	\$20,900	\$21,300

(2) The required appropriation for fiscal year 2005 shall remain in effect for subsequent fiscal years unless altered by future enactment.

(b) *Conditions.*

(1) From the money appropriated for each of the fire companies in subsection (a) of this section:

(i) Except as provided in item (ii) of this paragraph, \$5,000 shall be

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placed into a capital account by the respective fire companies, and shall be used only for capital expenditures, such as purchasing, operating, and repairing fire apparatus and equipment; and

(ii) \$1,000 shall be placed into a capital account by the Tylerton Volunteer Fire Company, and shall be used only for capital expenditures, such as purchasing, operating, and repairing fire apparatus and equipment.

(2) Payments may not be made to any company which has any regulations or resolutions limiting the territory within which it will respond to calls.

(c) *Accounting.* Each fire company receiving County funds shall provide an accounting of the expenditures of the funds to the County Commissioners.

(d) *Funding.* The County Commissioners may levy for and appropriate funds annually for emergency services provided by any volunteer fire company or rescue squad if the volunteer fire company or rescue squad is operated on a not for profit basis. (1963 Code, sec. 19; 1939, ch. 54; 1951, ch. 122; 1955, ch. 26; 1959, ch. 527; 1967, ch. 357, sec. 19(a-1); 1975, ch. 112, sec. 19(a-1); 1980, ch. 110; 1983, ch. 58; 1977 Code, sec. 17; 1988, ch. 700; 1991, ch. 141; 1995, ch. 482; 2000, ch. 148; 2001, ch. 74)

**2-305. Appropriation to Bar Library.**

The County Commissioners shall appropriate annually for the support of the Bar Library of Somerset County a sum payable monthly to the Clerk of the Circuit Court for Somerset County for the use and benefit of the Bar Library, in equal installments of not less than \$125. (1963 Code, sec. 20; 1961, ch. 681; 1977 Code, sec. 18; 1988, ch. 700)

**2-306. Appropriation to McCready Foundation, Inc.**

(a) *Payments.* The County Commissioners shall pay annually to the McCready Foundation, Inc., at Crisfield the lesser of:

(1) \$20,000; or

(2) An amount equal to the difference between State-aid to the hospital under the program "Hospital In-Patient Program-Medical Care Services" and the actual cost of caring for the patients under the above program.

(b) *Installments.* Payment shall be made in equal quarterly installments upon the written request of the Foundation.

(c) *Financial statements.* On or before the quarterly installments, the Foundation shall provide the County Commissioners with a financial statement of its operations. (1963 Code, sec. 21; 1962, 1st Sp. Sess., ch. 18; 1965, ch. 196, sec. 21; 1977 Code, sec. 19; 1988, ch. 700)



**2-307. Appropriation to Peninsula General Hospital.**

(a) *Payments.* The County Commissioners may pay annually up to \$10,000 to the Peninsula General Hospital at Salisbury in consideration of the cost to the hospital of caring for Somerset County residents who are patients under the "Hospital In-Patient Program-Medical Care Services".

(b) *Final statements.* Annually, the Peninsula General Hospital shall provide the County Commissioners with a financial statement of its operations, including an estimate, as exact as possible, of its costs of caring for County residents who are patients under the Medical Care Services program. (1965, ch. 196, sec. 21A; 1977 Code, sec. 21; 1988, ch. 700)

**2-308. Payments to municipal corporations.**

(a) *Appropriation.* The County Commissioners may appropriate up to \$100,000 to assist those municipal corporations in Somerset County which are subject to the provisions of Article XI-E of the Constitution of Maryland.

(b) *Purpose.* At the discretion of the County Commissioners, expenditures may be made to extend water and sewer systems which extend beyond the corporate boundaries of any municipal corporation and to construct other facilities and supplementary works. All expenditures are made at the discretion of the County Commissioners for purposes determined by them as necessary or appropriate to improve conditions of health, to relieve or remove hazards to the public health, or to promote the industrial or commercial development of the particular area.

(c) *To whom paid.* The expenditures may be made by payments to the appropriate officials of the municipal corporations for the actual cost of any extension and of the related and supplementary facilities.

(d) *Source of funds.*

(1) The County Commissioners may levy upon the County's taxable property to secure the funds required under this section.

(2) The Commissioners also may borrow upon the full faith and credit of Somerset County to secure all or any part of these funds, whether by general obligation bonds, revenue bonds, or short term notes. The Commissioners shall levy upon the taxable property of Somerset County for the payments of interest and principal on the bonds or notes. (1967, ch. 638, sec. 22A; 1977 Code, sec. 24; 1988, ch. 700)

**2-309. Same; additional.**

(a) *Purpose.* In addition to and not in substitution for the authority granted by this subtitle, the County Commissioners may grant or lend up to \$275,000 to Somerset County municipal corporations, sanitary districts or sub-districts. These funds shall be used for the

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development, creation, construction, enlargement, extension, or improvement of water and/or sewer systems, or other related facilities or supplementary works, as the County Commissioners determine are necessary, appropriate, and proper to improve conditions of health, to relieve or remove hazards to the public health, or to promote the industrial, commercial, or residential development of a particular area.

(b) *Authority to borrow.* The County Commissioners may borrow upon the faith and credit of Somerset County in order to obtain all or any part of the funds required to carry out the provisions of this section, upon the County's general obligation bonds, revenue bonds, or notes. The County Commissioners shall determine the terms and conditions of repayment, the amount of interest (if any), and the security necessary for these loans.

(c) *Lending credit.* In order to carry out the purposes of this section, the Commissioners may lend the credit of the County to a municipality, sanitary district or sub-district, by endorsing or otherwise securing or guaranteeing the payment of the obligation. The loan of credit, however, may not exceed \$275,000.

(d) *Levy.* The County Commissioners shall levy upon the taxable property of Somerset County whatever amount is necessary for the payments of interest and principal on any such bonds or notes. (1972, ch. 14, sec. 22B; 1977 Code, sec. 25; 1988, ch. 700; 1989, ch. 5)

### **2-310. Appropriations to libraries.**

The County Commissioners shall appropriate annually to the following libraries:

- (1) Lillian Straton Corbin Memorial Library; and
- (2) Princess Anne Public Library. (1963 Code, sec. 148; 1943, ch. 965; 1963, ch. 434; 1977 Code, sec. 26; 1988, ch. 700)

### **2-311. Borrowing for jail facility.**

For the purpose of assisting in the funding of the construction and equipping of a jail facility in Somerset County, the County Commissioners may borrow on the full faith and credit of the county an amount not to exceed \$1,500,000 from the United States or any of its agencies or from private lending institutions on the terms and conditions required by the appropriate lender without limitation by public general or public local law at public or private sale and at a rate or rates of interest as the County Commissioners deem reasonable. (1985, ch. 6; 1977 Code, sec. 28B; 1988, ch. 700)

### **2-312. Borrowing for solid waste landfill.**

For the purpose of assisting in the funding of the financing, construction, and equipping of a new solid waste landfill to be located at Westover, Maryland, in Somerset County, the County Commissioners may borrow on the full faith and credit of the County an amount not to exceed \$5,000,000 from the United States or any of its agencies or from private lending

institutions on the terms and conditions required by the appropriate lender and without limitations by public general or public local law. Any bond or note issued under this section may be sold at public or private sale and at a rate or rates of interest as the County Commissioners deem reasonable. (1995, ch. 45)

#### **Subtitle 4. Miscellaneous**

##### **2-401. Summons executed by Sheriff.**

The County Commissioners may issue a summons directed to the Sheriff of the County for any person in the County to appear before them and to testify about any matter about which they require information. The Sheriff shall execute and return the summons according to its tenor. (P.L.L., 1860, Art. 19, sec. 43; 1888, Art. 20, sec. 46; 1930, sec. 37; 1963 Code, sec. 16; 1977 Code, sec. 14; 1988, ch. 700)

##### **2-402. Care of records in County offices.**

The County Commissioners shall adopt measures and expend money necessary to safely keep and preserve from fire the present and future records belonging to Somerset County in the office of register of wills and clerks of the Circuit Court for Somerset County. (P.L.L., 1930, Art. 20, sec. 43; 1963 Code, sec. 18; 1892, ch. 346, sec. 48C; 1977 Code, sec. 16; 1988, ch. 700)

##### **2-403. Works of improvement.**

The County Commissioners may maintain and operate the following works of improvement:

- (1) Soil conservation;
- (2) Water conservation;
- (3) Flood prevention (including structural and land treatment measures); and
- (4) Conservation, development, utilization, and disposal of water, including development for recreation and protection of wildlife. (1963 Code, sec. 22; 1963, ch. 585; 1977 Code, sec. 22; 1988, ch. 700)

##### **2-404. Employees' pensions.**

(a) *Benefit.* The County Commissioners may provide for the retirement of and payment of benefits for any county employees who are not members of any pension system either by means of inclusion of these employees under the State Retirement and Pension System as provided by Title 31 of the State Personnel and Pensions Article of the Annotated Code of Maryland or by contracting with an insurance company for the pensions and benefits.

(b) *Funding.* The Commissioners may appropriate funds annually to pay for the

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County's part of the cost of pensions and benefits under this section. The County shall make a thorough investigation of these systems in order to determine which method will provide more adequate benefits in relation to costs to the County and to the employees of the County. (1965, ch. 831; 1977 Code, sec. 23; 1988, ch. 700; 1989, ch. 5; 1994, ch. 468)

**2-405. Fairmount Academy.**

(a) *Transfer to Academy.* The County Commissioners may sell, lease, convey, assign or otherwise transfer the buildings, assets, appurtenances, and real estate property known as the Fairmount Academy to the Fairmount Academy Historical Association, Inc. The Fairmount Academy property shall be dedicated to the collection and preservation of genealogical and historical material.

(b) *Dissolution or liquidation.* Upon voluntary or involuntary dissolution or liquidation of the Fairmount Academy Historical Association, Inc., all right, title, and interest in the Fairmount Academy property shall revert to the County Commissioners. (1982, ch. 67; 1977 Code, sec. 28A; 1988, ch. 700)

**2-406. Sale of jail property.**

The County Commissioners may sell at fair market value property owned by the County and intended for use for jail purposes located adjacent to the Princess Anne Industrial Park to the Town of Princess Anne. (1988, ch. 95)

**2-407. Transfer of land to Somerset County Developmental Center, Inc.**

(a) *Up to 2 acres.* The County Commissioners may transfer up to 2 acres of land located in the Brinkley's Election District, and may grant a right of ingress and egress associated with the land to the Somerset County Developmental Center, Inc.

(b) *Up to 7.8 acres.*

(1) Subject to paragraph (2) of this subsection, the County Commissioners may transfer property consisting of approximately 7.8 acres, County tax map reference 57-17-356, to the Somerset County Developmental Center, Inc. under whatever terms that the County Commissioners consider appropriate.

(2) A conveyance under this subsection shall require that the property reverts to the County Commissioners if the Somerset County Developmental Center, Inc.:

- (i) Is dissolved or ceases to function; or
- (ii) Attempts to transfer the property to any other person. (1988, ch. 96; 1994, ch. 46)

**2-408. Sale of Carvel Hall.**

(a) *Sale authorized.* The County Commissioners may sell the property at County tax map reference 64-23-554 (known as Carvel Hall) to any person at private sale under any terms that the County Commissioners consider appropriate.

(b) *Inapplicability of certain law.* The provisions of Article 25, § 11A of the Annotated Code of Maryland do not apply to a sale authorized under this section. (1996, ch. 44)

**2-409. Land adjacent to Princess Anne Industrial Park.**

(a) *Sale authorized.* The County Commissioners may sell the approximately 14.5 acres of property at County tax map reference 16-13-222 (adjacent to the property known as Princess Anne Industrial Park Land) to any person at private sale for the purposes of economic development or commercial enterprise under any terms that the County Commissioners consider appropriate.

(b) *Inapplicability of certain law.* The provisions of Article 25A, § 11A of the Annotated Code of Maryland do not apply to a sale authorized under this section. (1996, ch. 45)

**2-410. Maintenance of property.**

(a) *Ordinances authorized.* The County Commissioners may enact ordinances that require the owners of real property to meet standards enumerated in the ordinances for the maintenance of the property.

(b) *Standards.* If enacted, the ordinances shall set the standards for the height of grass, weeds, and similar vegetation and for the removal of old buildings and similar structures.

(c) *Assessment authorized.*

(1) If the owner of the real property fails to maintain that property in accordance with the standards set in the ordinance, the County may undertake the work itself and assess the owner for the cost of the work.

(2) Before undertaking any work under paragraph (1) of this subsection, the County shall give the property owner:

(i) By regular mail or personal service, written notice of the violation of the ordinance; and

(ii) At least 15 days to bring the property into compliance with the ordinance.

(3) The cost of the work performed by the County under paragraph (1) of this subsection shall become a lien on the real property and shall be considered and collected in the

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same way as are the annual property taxes. (1989, ch. 433)

**2-411. Enforcement and prosecution of ordinances.**

(a) *In general.* Notwithstanding the provisions of § 2-410 of this subtitle, the County Commissioners may provide for the enforcement and prosecution of County ordinances as provided in this section.

(b) *Infractions.*

(1) The County Commissioners may provide that violations of any ordinance shall be an "infraction" unless the violation is declared to be a felony or a misdemeanor by State law. In addition, the County Commissioners may classify as an "infraction":

(i) A violation of any zoning or land use ordinance or regulation authorized to be adopted or enacted by the County Commissioners; and

(ii) Littering within the County as prohibited under Article 27, § 468 of the Code. For purposes of this article an infraction is a civil offense.

(2) A fine not to exceed \$1,000 may be imposed for each infraction. The fine is payable to the County by the person charged in the citation within 20 calendar days of service of the citation.

(3) (i) Those officials authorized by the County Commissioners to act as enforcement officers may serve a citation on any person:

1. Whom they believe is committing or has committed an infraction; or

2. On the basis of an affidavit submitted to an appropriate official of the County, to be named by the County Commissioners, citing the facts of the alleged infraction.

(ii) The citation shall be served on the defendant:

1. In accordance with Rule 3-121 of the Maryland Rules; or

2. For real property-related violations, if proof is made by affidavit that good faith efforts to serve the defendant under Rule 3-121(a) of the Maryland Rules has not succeeded, by:

a. Regular mail to the defendant's last known address; and

b. Posting of the citation at the property where the infraction has occurred or is occurring, and, if located within the County, at the residence or place of

business of the defendant.

(iii) The citation shall contain:

1. The enforcement officer's certification:

a. Attesting to the truth of the matter set forth in the citation;

or

b. That the citation is based on an affidavit;

2. The name and address of the person charged;

3. The nature of the infraction;

4. The location and time that the infraction occurred;

5. The amount of the infraction fine assessed;

paid to the County;

6. The manner, location, and time in which the fine may be

and

7. The person's right to elect to stand trial for the infraction;

8. The effect of failing to pay the assessed fine or demand a trial within the prescribed time.

(iv) The enforcement officer shall retain a copy of the citation.

(4) (i) If a citation is served without a summons as provided in paragraph (6) of this subsection, the person charged in the citation may elect to stand trial for the infraction by notifying the County in writing of the person's intent to stand trial. The written notice shall be given at least 5 days prior to the date of payment as set forth in the citation.

(ii) Upon receipt of the written notice of the intent to stand trial, the County shall forward to the District Court having venue a copy of the citation and the written notice.

(iii) Upon receipt of the citation and the written notice, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(5) (i) If a person charged in a citation fails to pay the fine by the date of payment set forth on the citation and fails to deliver to the County the written notice of intent to stand trial, the person is liable for the assessed fine.

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(ii) The County may double the fine to an amount not to exceed \$1,000 and request adjudication of the case through the District Court, including the filing of a demand for judgment on affidavit.

(iii) The District Court shall promptly schedule the case for trial and summons the defendant to appear.

(iv) The defendant's failure to respond to such summons shall result in the entry of judgment against the defendant in favor of the County in the amount then due if a proper demand for judgment on affidavit has been made.

(6) (i) 1. An enforcement officer may also serve a summons with a citation that requires the person to appear in District Court on a specified date and time.

2. The summons shall specify that the person is not required to appear in District Court if the fine is paid as provided in the citation.

3. If approved by the Chief Judge of the Maryland District Court, the citation form may contain the summons.

4. The enforcement officer shall coordinate the selection of court dates with the appropriate District Court officials.

(ii) If the defendant fails to pay the fine as provided in the citation and fails to appear in District Court as provided in the summons:

1. The County may double the fine to an amount not to exceed \$1,000; and

2. The court may enter judgment against the defendant in the amount then due if the proper demand for judgment on affidavit has been made.

(7) If any person shall be found by the District Court to have committed an infraction:

(i) 1. The District Court shall order the person to pay the fine, including any doubling of the fine, not to exceed the limits under paragraph (2) of this subsection;

2. The fines imposed shall constitute a judgment in favor of the County; and

3. If the fine remains unpaid for 30 days following the date of its entry, the judgment shall be enforceable in the same manner and to the same extent as other civil judgments for money unless the court has suspended or deferred the payment of the fine as provided under subparagraph (ii) of this paragraph;



(ii) The District Court may suspend or defer the payment of any fine under conditions that the court sets;

(iii) The person shall be liable for the costs of the proceedings in the District Court; and

(iv) The court may order the person to abate the infraction or enter an order permitting the County to abate any such infraction at the person's expense.

(8) (i) If the County abates an infraction pursuant to an order of the District Court, the County shall present the defendant with a bill for the cost of the abatement by:

1. Regular mail to the defendant's last known address; or
2. Any other means that are reasonably calculated to bring the bill to the defendant's attention.

(ii) If the defendant does not pay the bill within 30 days after presentment, upon a motion of the County, the District Court shall enter a judgment against the defendant for the cost of abatement.

(9) All fines, penalties, or forfeitures collected by the District Court for an infraction shall be remitted to the County.

(10) If a defendant fails to pay any fine or cost imposed by the District Court without good cause, the District Court may punish the failure as contempt of court.

(11) Adjudication of an infraction, as defined in paragraph (1) of this subsection, is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(12) In any proceeding for an infraction:

(i) It shall be the burden of the County to prove that the defendant has committed the infraction by clear and convincing evidence, and in any such proceeding, the District Court shall apply the evidentiary standards as prescribed by law or rule for the trial of civil causes;

(ii) The District Court shall ensure that the defendant has received a copy of the charges against the defendant and that the defendant understands those charges;

(iii) The defendant shall be entitled to cross-examine all witnesses who appear against the defendant, to produce evidence or witnesses in the defendant's own behalf, or to testify in the defendant's own behalf, if the defendant elects to do so;

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(iv) The defendant shall be entitled to be represented by counsel of the defendant's own selection and at the defendant's own expense; and

(v) The defendant may enter a plea of guilty or not guilty of the infraction as charged, and the verdict of the District Court shall be guilty of an infraction or not guilty of an infraction, or the District Court may, before rendering judgment, place the defendant on probation.

(13) The court costs in an infraction proceeding in which costs are imposed are \$5. A defendant may not be liable for payment to the Criminal Injuries Compensation Fund.

(14) The State's Attorney of the County is authorized to prosecute an infraction and is authorized to enter a nolle prosequi in such cases or to place such cases on the stet docket.

(15) Notwithstanding the provisions of paragraph (14) of this subsection, the County may designate an attorney to prosecute any infraction in the same manner as the State's Attorney of the County. (1996, ch. 458)

**2-412. Friends of Teackle Mansion, Inc.**

The County Commissioners may, by resolution, make a donation to the Friends of Teackle Mansion, Inc. in an amount that the County Commissioners determine. (1998, ch. 558)

**2-413. Right to farm.**

(a) Subject to the provisions of subsection (b) of this section, the County Commissioners may adopt an ordinance or regulation, or take any other action that the County Commissioners consider necessary, to protect a person's right to farm or engage in agricultural or forestry operations.

(b) Before adopting an ordinance or regulation, or taking other action, under subsection (a) of this section, the County Commissioners shall hold a public hearing and provide reasonable notice of the hearing. (1998, ch. 739)

**Editor's Notes for Title 2.**

*Chapter 45 of the Acts of 1995*, which added Section 2-312, authorized the County Commissioners to borrow a certain amount to finance, construct, and equip a solid waste landfill; subjected the borrowed money to certain terms; and authorized the public or private sale of any note or bond issued under this provision at an interest rate the County Commissioners deem reasonable.

*Chapter 482 of the Acts of 1995*, which amended Section 2-304(a), altered the amount of money the County Commissioners were required to appropriate to specified volunteer fire companies in certain fiscal years.

*Chapter 44 of the Acts of 1996*, which added Section 2-408, authorized the County Commissioners to privately sell the county property known as Carvel Hall under any terms the County Commissioners consider appropriate.

*Chapter 45 of the Act of 1996*, which added what is now Section 2-409, authorized the County Commissioners to sell specified property adjacent to the property known as the Princess Anne Industrial Park Land.

*Chapter 458 of the Acts of 1996*, which added what is now Section 2-411, authorized the County Commissioners to provide for the enforcement and prosecution of County ordinances as infractions; authorized a maximum fine for infractions; authorized certain officials to serve a citation in a specified manner on individuals who may have committed an infraction; allowed a person accused of an infraction to stand trial; imposed liability on a person for payment of ordered fines; authorized the District Court to perform duties related to the collection and imposition of fines; authorized the County to collect the cost of abatement; required a proceeding for an infraction to include certain evidentiary, notice, and judgment requirements; and authorized certain persons to prosecute infractions.

*Chapter 55 of the Acts of 1997*, which amended Section 2-101(b), increased the annual salary of each County Commissioner to \$5,500, to be effective for the next term of office.

*Chapter 558 of the Acts of 1998*, which added what is now Section 2-412, authorized the County Commissioners to make a donation to the Friends of Teackle Mansion, Inc.

*Chapter 739 of the Acts of 1998*, which added what is now Section 2-413, authorized the County Commissioners to adopt an ordinance or regulation that protects a person's right to farm or engage in agricultural or forestry operations and required the County Commissioners to hold a public hearing with adequate notice first.

*Chapter 148 of the Acts of 2000*, which amended Section 2-304(a), required the County Commissioners to appropriate a certain amount to the Fairmount Volunteer Fire Company for the fiscal year 2001 and mandated that the required appropriation remain effective in subsequent fiscal years unless changed by law.

*Chapter 74 of the Acts of 2001*, which amended Section 2-304(a), required the County Commissioners to appropriate certain amounts in fiscal 2001 through 2005 to specified organized volunteer fire companies in the County.

*Chapter 262 of the Acts of 2001*, which amended Section 2-101(b), increased the annual salary of each County Commissioner to \$6,000, to be effective for the next term of office but not to affect the incumbent Commissioners in office on July 1, 2001.

*Chapter 391 of the Acts of 2002*, which repealed the then-existing Section 2-102(b) through (f) and added new Section 2-102(b) through (f), repealed existing and enacted new county commissioner district boundaries in Somerset County. The Act took effect May 6, 2002.

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*Chapter 272 of the Acts of 2003* consolidated and clarified the provisions relating to the appointment, term of office, filling of vacancies, salary, duties, and performance bonding of the Clerk to the Board of County Commissioners; provided that the term of the Clerk is 4 years and shall run concurrently with the term of office of the County Commissioners; and provided that the Clerk serving in office on June 1, 2003, shall remain in the position throughout the full term of office of the members of the Board that began on the first Tuesday in December 2002 and is eligible to be reappointed as Clerk after the next election of the Board in November 2006.

### **Title 3. Election Districts**

#### **3-101. Election Districts.**

(a) *Number; names.* Somerset County is divided into 15 election districts according to their bounds and limits as of January 1, 1988, as follows:

- (1) West Princess Anne District, number 1;
- (2) Saint Peter's District, number 2;
- (3) Brinkley's District, number 3;
- (4) Dublin District, number 4;
- (5) Mount Vernon District, number 5;
- (6) Fairmount District, number 6;
- (7) Crisfield District, number 7;
- (8) Lawson's District, number 8;
- (9) Tangier District, number 9;
- (10) Smith's Island District, number 10;
- (11) Dame's Quarter District, number 11;
- (12) Asbury District, number 12;
- (13) Westover District, number 13;
- (14) Deal Island, number 14; and
- (15) East Princess Anne, number 15.

(b) *Elections.* All elections for public officers shall be held in each of the districts at the places established by law for that purpose. (P.L.L., 1888, Art. 20, sec. 103; 1930, sec. 174; 1963 Code, sec. 134; 1868, ch. 82; 1872, ch. 428; 1874, ch. 43; 1878, chs. 45, 186, 214; 1880, ch. 146; 1882, ch. 306; 1888, ch. 218; 1977 Code, sec. 29; 1988, ch. 700)

#### **3-102. Transfer to Session Laws.**

The following sections have been transferred from the 1977 Edition of the Somerset County Code to the 1988 Session Laws of Maryland:

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30. Asbury District No. 12; established.
31. Same; boundaries.
32. Westover District No. 13.
33. Deal Island District No. 14.
34. East and West Princess Anne Districts.
35. Boundary between Districts 3 and 8.
36. Boundary between Districts 3 and 13. (1988, ch. 700)

## **Title 4. Fire Departments and Fire Marshal**

### **Subtitle 1. Fire Departments**

#### **4-101. Tax exemption for members.**

Each bona fide active member of any volunteer fire department in Somerset County is exempt from taxation for municipal purposes in the municipal corporation where the fire department is located in an amount not to exceed \$3,000 upon the passage of the appropriate ordinance or resolution by the municipality. (1963 Code, sec. 143; 1937, ch. 446; 1980, ch. 107; 1977 Code, sec. 37; 1988, ch. 700)

### **Subtitle 2. Fire Marshal**

#### **4-201. Office created; appointment, compensation, duties.**

(a) *Appointment.* The County Commissioners may create an Office of Fire Marshal for Somerset County. The Fire Marshal shall be appointed by the County Commissioners and shall receive the compensation set by the Commissioners. The Fire Marshal may be removed by the Commissioners for incompetence, neglect of duty, or other cause.

(b) *Inspections.* The Fire Marshal may inspect buildings of all kinds to discover fire hazards and to enforce the regulations adopted by the County Commissioners.

(c) *Regulations.* The County Commissioners may promulgate regulations necessary to protect the public from fire hazards and other dangers due to unsafe and dangerous conditions with respect to any and all buildings in the County. The regulations may provide for the repair or removal of dangerous structures, the removal of trash, and the removal of other materials which may increase fire hazards or interfere with the proper and efficient operation of firemen in extinguishing fires or in preventing the spread of fires.

(d) *Violations.*

(1) The Fire Marshal shall:

(i) Enforce the regulations adopted under the provisions of this section;

(ii) Order the removal of any fire hazard and make any repairs and improvement to comply with the regulations; and

(iii) Report to the County Commissioners all violations of the regulations and the names of all persons who refuse to comply with the Fire Marshal's orders for the repair and removal of fire hazards.

(2) Any person ordered by the Fire Marshal to make any repairs or

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improvements has the right of appeal to the Commissioners. From the decision of the Commissioners the person has a right of appeal to the Circuit Court of Somerset County.

(e) *Penalties.* Any person who violates the provisions of this section, the regulations promulgated under its authority, or any lawful order of the Fire Marshal is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$100 for each violation. (1963 Code, sec. 144; 1959, ch. 655; 1977 Code, sec. 38; 1988, ch. 700)



## **Title 5. Hucksters**

### **Subtitle 1. Regulation**

#### **5-101. Definitions.**

- (a) *In general.* In this subtitle the following words have the meanings indicated.
- (b) *Goods.* "Goods" means fruits, bakery products, vegetables, fish, or oysters.
- (c) *Hawk.* "Hawk" means to sell, peddle, vend, or offer for sale.
- (d) *Person.* "Person" includes an association, firm, or corporation. (1963 Code, sec. 145; 1939, ch. 691; 1941, ch. 302; 1988, ch. 700)

#### **5-102. Licenses; regulation.**

(a) *License required.* A person may not hawk at retail, in or on the streets or highways of Somerset County, or may not go from house to house, on the streets or highways of the County, for the purpose of hawking any goods, without having previously obtained a license from the Clerk of the Court.

(b) *License fee.* Each person shall pay \$300 annually, in advance, for a license used for these purposes on the streets or highways of the County. (1963 Code, sec. 145; 1939, ch. 691; 1941, ch. 302; 1977 Code, sec. 39(a); 1988, ch. 700)

#### **5-103. Exceptions.**

The provisions of this subtitle do not apply to ex-service men or to the sale of milk, ice, vegetables, bakery products, butter, eggs, poultry, fruit, fish, oysters, or country produce sold or offered for sale by makers, producers, or growers who are residents of Somerset County. (1977 Code, sec. 39(b); 1988, ch. 700)

#### **5-104. Sidewalk stands.**

A person authorized to hawk any goods may not maintain a sidewalk stand or a place for selling, but shall move about from time to time, and not hawk goods in any one place. (1977 Code, sec. 39(b); 1988, ch. 700)

#### **5-105. Penalties.**

Any person who violates or who fails to comply with the provisions of this subtitle, upon conviction for each offense, is subject to a fine not to exceed \$100, or shall be committed to the County jail for up to 30 days, or both. (1977 Code, sec. 39(d); 1988, ch. 700)



## **Title 6. Prison Work**

### **Subtitle 1. Generally**

#### **6-101. Employment.**

Upon the request of any municipal corporation in Somerset County, of the Roads Board, or of any other person authorized to superintend the repair and maintenance of the public streets, town property, County public roads, or the beaches, parks, or any other public property in the County, the County official who has responsibility for prisoners may deliver to the town, Board, person, or official any prisoner over 18 years of age who is confined to the jail, under sentence imposed by a court. The town, Board, person, or other official in charge of the public streets or highways, or beaches, parks, or other public property may employ the prisoner on the public property of Somerset County or of any municipal corporation in the County. (1963 Code, sec. 266; 1963, ch. 844, sec. 336A; 1974, ch. 277, sec. 266; 1977 Code, sec. 42; 1988, ch. 700)

#### **6-102. Supervision; type of work.**

(a) *Supervision.* The work for which provision is made in this title shall be performed, if within the corporate limits of any municipal corporation, under the supervision and discretion of the municipal corporation's governing body. If it is performed on the public roads of Somerset County, then it shall be under the direction and supervision of the Somerset County Roads Board. If work is performed for any other County department, supervision shall be under the direction of the department director or his designee.

(b) *Type of work.* The work performed by the prisoners may include every service necessary for the purpose of draining, grading, shelling, paving, or repairing the public streets or other highways of Somerset County within or without the limits of any of its municipal corporations. (1963 Code, sec. 267; 1963, ch. 844, sec. 336B; 1977 Code, sec. 43; 1988, ch. 700)

#### **6-103. Custody; workday; excuse from work.**

(a) *Custody.* The officer or other person in charge of the prisoners may compel them to work and is responsible for the safekeeping and return to prison of the convicts to the custody of the Sheriff, his jailer, or jail warden (if appointed) at the end of each day's work.

(b) *Workday.* The day's work shall be within the discretion of the officer or other person supervising at the time, but may not exceed 10 hours' work for any day the prisoner may be employed.

(c) *Excuse from work.* A prisoner may not be employed to perform work whose health is not in a condition to allow it, and the certificate of the physician to the jail is sufficient to excuse the work. (1963 Code, sec. 268; 1963, ch. 844, sec. 336C; 1977 Code, sec. 44; 1988, ch. 700)



## **Title 7. Revenue and Taxes**

### **Subtitle 1. Office of Treasurer**

#### **7-101. Term; tenure.**

(a) *Term.* There is a County Treasurer in Somerset County, who shall be elected for a 4-year term in accordance with the provisions of Article XVII of the Constitution of Maryland.

(b) *Time for taking office.* The County Treasurer shall qualify on the first Tuesday in January after the election and hold office until a successor is duly elected and qualified. (P.L.L., 1930, Art. 20, sec. 370; 1963 Code, sec. 297; 1910, ch. 10, sec. 244 (p. 1140); 1963, ch. 441, sec. 370; 1977 Code, sec. 73; 1988, ch. 700)

#### **7-102. Deputy Treasurer.**

(a) *Appointment.* The Treasurer shall appoint a deputy and specify the deputy's duties. The Treasurer is responsible for the official conduct of the deputy treasurer, and the deputy shall act for the Treasurer during the Treasurer's absence.

(b) *Salary.* The deputy's annual salary shall be set by the County Commissioners. (P.L.L., 1930, Art. 20, sec. 365; 1963 Code, sec. 292; 1910, ch. 10, sec. 239 (p. 1139); 1918, ch. 162; 1922, ch. 105; 1943, ch. 456; 1947, ch. 894, sec. 365; 1949, ch. 576; 1959, ch. 541; 1963, ch. 760, sec. 365; 1966, ch. 306, sec. 292; 1970, ch. 693; 1971, ch. 25; 1977 Code, sec. 68; 1988, ch. 700)

#### **7-103. Removal of Treasurer.**

The County Treasurer may be removed from office by the Judges of the Circuit Court of Somerset County upon conviction for willful neglect of duty, misdemeanor, or malfeasance in office. The conviction shall be based upon presentment and indictment by the Grand Jury of Somerset County. (P.L.L., 1930, Art. 20, sec. 366; 1963 Code, sec. 293; 1910, ch. 10, sec. 240 (p. 1140); 1977 Code, sec. 69; 1988, ch. 700)

#### **7-104. Treasurer's office; office hours.**

(a) *Office.* The County Commissioners shall provide an office for the Treasurer for the transaction of official business.

(b) *Treasurer.* The Treasurer's office shall be open between 8:30 a.m. and 4:30 p.m. weekdays. It shall be closed on Saturdays, Sundays, and State holidays. (P.L.L., 1930, Art. 20, sec. 367; 1963 Code, sec. 294; 1910, ch. 10, sec. 241 (p. 1140); 1947, ch. 274; 1963, ch. 441, sec. 367; 1977 Code, sec. 70; 1988, ch. 700; 2002, ch. 578)

#### **7-105. Treasurer's duties.**

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(a) *Collection of revenue.* The Treasurer shall receive and collect all State and County taxes and all other money due to the County.

(b) *Enforcement powers.* The Treasurer has full power to enforce the payment of taxes by sale or otherwise and to convey title to any real or personal property sold by the Treasurer for the payment of State and County taxes in the manner prescribed by this title. (P.L.L., 1930, Art. 20, sec. 339; 1963 Code, sec. 270; 1908, ch. 43 (p. 1001); 1910, ch. 10, sec. 213 (p. 1131); 1963, ch. 441, sec. 339; 1977 Code, sec. 46; 1988, ch. 700; 1991, ch. 11)

**7-106. Oath; bond.**

(a) *Oath.* Before entering upon the duties of the office, the Treasurer shall take an oath before the Clerk of the Circuit Court for Somerset County that he faithfully will perform the duties of the office.

(b) *Bonds.*

(1) The Treasurer shall execute two bonds, each in the amount of \$150,000, as follows:

(i) To the State of Maryland; and

(ii) To Somerset County.

(2) The bonds shall be executed for the faithful performance of the Treasurer's duties as Treasurer. The bonds shall be conditioned that the Treasurer will well and truly account and be liable for any and all money coming into his possession as Treasurer and collector, for which the Treasurer is answerable by law. The bonds shall be secured by a fidelity or security company qualified to act as surety or guarantor under the laws of Maryland. They shall be recorded in the office of the Clerk of the Circuit Court for the County and the premium on the bonds shall be paid by the County Commissioners. (P.L.L., 1930, Art. 20, sec. 340; 1963 Code, sec. 271; 1910, ch. 10, sec. 214 (p. 1131); 1920, ch. 16; 1963, ch. 441, sec. 340; 1977 Code, sec. 47; 1988, ch. 700)

**7-107. Failure to give bond.**

Upon failure of any Treasurer to execute the bond required on or before the day on which the Treasurer is to enter on the duties of the office, the County Commissioners shall appoint some qualified voter of Somerset County as Treasurer and collector during that term in the place of the one who failed to qualify. In case of the new Treasurer's failure to qualify within 30 days, the County Commissioners shall appoint another person, 30 days' intervals, until a Treasurer is duly qualified. (P.L.L., 1930, Art. 20, sec. 341; 1963 Code, sec. 272; 1910, ch. 10, sec. 215 (p. 1132); 1963, ch. 441, sec. 341; 1977 Code, sec. 48; 1988, ch. 700)

**7-108. Vacancy in Treasurer's position.**

Within 30 days after a vacancy occurs in the office of Treasurer, the County Commissioners shall appoint a Treasurer and collector for the unexpired term who shall take the oath, give the bond, and perform all the duties of the office prescribed by law. (P.L.L., 1930, Art. 20, sec. 342; 1963 Code, sec. 273; 1910, ch. 10, sec. 216 (p. 1132); 1977 Code, sec. 49; 1988, ch. 700)

**7-109. Oaths and affirmations to accounts.**

The County Treasurer or the Clerk to the County Commissioners may administer an oath or affirmation to any account to any person who presents a claim against Somerset County, without charge for the oath or affirmation. (1963 Code, sec. 275; 1939, ch. 254, sec. 343A; 1977 Code, sec. 51; 1988, ch. 700)

**7-110. Treasurer's records.**

The Treasurer shall keep a full and fair cash account, showing all sums of money received by him, so as to indicate the source from which the money was received. The account shall show the money paid out by him either to the County Commissioners or to the State Treasurer. (P.L.L., 1930, Art. 20, sec. 345; 1963 Code, sec. 277; 1910, ch. 10, sec. 219 (p. 1133); 1963, ch. 441, sec. 345; 1977 Code, sec. 53; 1988, ch. 700)

**7-111. Documents and papers of Treasurer's office.**

All books, documents, and papers pertaining to the County Treasurer's office are the property and records of Somerset County, and shall be kept in the County-designated office for the County Treasurer. At any time, the County Commissioners, the Grand Jury of Somerset County, or any County taxpayer may examine them. All books, documents and papers, accounts, credits, and deposits belonging to the Treasurer's office or in the custody of the Treasurer shall be transferred to his successor in office when that successor is duly elected and qualified. (P.L.L., 1930, Art. 20, sec. 346; 1963 Code, sec. 278; 1910, ch. 10, sec. 220 (p. 1133); 1977 Code, sec. 54; 1988, ch. 700)

**7-112. Treasurer's final settlement.**

(a) *Final statement.* The Treasurer shall deposit in the manner required by this title all County taxes and all money due the County which the Treasurer has collected. When the County taxes for any year have been collected in full, the Treasurer shall deliver to the County Commissioners a statement of deposits that show the collections in full.

(b) *Taxes to be paid to State.* The Treasurer shall pay into the Treasury of the State of Maryland, according to law, all the State taxes levied and collected in the County.

(c) *Two years to complete collection.* The Treasurer shall be allowed 2 years from the date of each levy placed in his hands for collection to complete that collection and to make his final settlement with the County Commissioners and with the Treasurer of Maryland. Immediately after the expiration of the 2 years the County Commissioners shall bring suit on the

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bond of the Treasurer for all County taxes in his hands uncollected or unaccounted for to the County Commissioners. (P.L.L., 1930, Art. 20, sec. 356; 1963 Code, sec. 286; 1910, ch. 10, sec. 230 (p. 1137); 1977 Code, sec. 62; 1988, ch. 700)

### **7-113. Successor; powers and duties.**

The County Commissioners, at any time after the expiration of the term of any County Treasurer, or at the time of the final settlement for which provision is made in this subtitle, may require the Treasurer to deliver over to the Treasurer's successor in office all collectible taxes due upon the levies with which the Treasurer was charged. The Treasurer shall deliver over the notices, schedules, and other proceedings had for the enforcement of payment of the taxes. In that case the successor, or newly elected or qualified Treasurer, upon the delivery to him of the bills for the taxes, shall enforce the payment of the taxes in the same manner as his predecessor could have done. The Treasurer has all the power and authority in law with which his predecessor was clothed for the purpose. In that case the bond of the newly elected or succeeding Treasurer is responsible for the proper collection and distribution of the taxes, and the bond of the preceding Treasurer shall be held responsible for whatever taxes remain uncollected from the preceding Treasurer's fault or negligence. (P.L.L., 1930, Art. 20, sec. 358; 1963 Code, sec. 288; 1910, ch. 10, sec. 232 (p. 1138); 1977 Code, sec. 64; 1988, ch. 700)

### **7-114. Enforcement of surety bonds.**

If the bond of any Treasurer becomes liable to Somerset County or to the State of Maryland for any unpaid or uncollected taxes, the sureties on the bond may enforce the payment of the taxes in the manner as the Treasurer could have done. (P.L.L., 1930, Art. 20, sec. 359; 1963 Code, sec. 289; 1910, ch. 10, sec. 233 (p. 1138); 1977 Code, sec. 65; 1988, ch. 700)

### **7-115. Collection of taxes.**

The Treasurer or his designee shall be present and available in the office of the Treasurer during regular office hours to collect taxes. The Treasurer may collect taxes at other locations within Somerset County after giving a 2-week public notice in local newspapers of the time and place of the temporary collection points. (P.L.L., 1930, Art. 20, sec. 360; 1963 Code, sec. 290; 1910, ch. 10, sec. 234 (p. 1138); 1977 Code, sec. 66; 1988, ch. 700)

### **7-116. Certificates of assessments, taxes, tax sales.**

(a) *Certificate.* Upon request and payment of a fee of 50 cents, the Treasurer shall issue a certified statement, over his signature, of all taxes assessed since the first day of January, 1908, that are due and unpaid at the time of making the certificate and are a lien upon any particular piece of real estate located in Somerset County and on any tax sale affecting that piece of property since that date.

(b) *Bar to collection.* The certificate is a bar to the collection or recovery from any purchaser of real estate after the issue of the certificate of any tax or assessment omitted from the certificate and which is a lien on the real estate mentioned in it. The certificate does not affect the



liability for the tax of the person who owned the real estate at the time the tax was levied, or at any time after the levy and before the issue of the certificate.

(c) *Treasurer responsible.* The Treasurer is responsible to the County for any loss of taxes that arises from an error in the certificate. (P.L.L., 1930, Art. 20, sec. 363; 1963 Code, sec. 291; 1910, ch. 10, sec. 237 (p. 1139); 1977 Code, sec. 67; 1988, ch. 700)

#### **7-117. Transfers on tax books.**

At least once in each year, the Treasurer shall correct the list of transfers on the tax books of the County in accordance with the list furnished by the local office of the State Department of Assessments and Taxation. This correction shall be made not more than 30 days before the time set for the making of the annual levy. (P.L.L., 1930, Art. 20, sec. 369; 1963 Code, sec. 296; 1910, ch. 10, sec. 243 (p. 1140); 1977 Code, sec. 72; 1988, ch. 700)

#### **7-118. State laws.**

The provisions of the Code of Public General Laws of Maryland that are applicable to collectors of State and county taxes, except when they are repealed by or inconsistent with the provisions of this subtitle, apply to the County Treasurer. As to the power, rights, duties, and liabilities, both civil and criminal, and those affecting the Treasurer's bond or bondsmen, the County Treasurer is in all respects in the same position as State and county collectors of taxes, except as provided in this title. (P.L.L., 1930, Art. 20, sec. 368; 1963 Code, sec. 295; 1910, ch. 10, sec. 242 (p. 1140); 1977 Code, sec. 71; 1988, ch. 700)

### **Subtitle 2. Annual Tax Levy**

#### **7-201. Levy.**

The County Commissioners shall make their annual levy for State and County taxes before July 1 each year. State and County taxes shall be due and payable on July 1. (P.L.L., 1930, Art. 20, sec. 344; 1963 Code, sec. 276; 1910, ch. 10, sec. 218 (p. 1133); 1927, ch. 22, sec. 218; 1963, ch. 825, sec. 22; 1977 Code, sec. 52; 1988, ch. 700; 1995, ch. 238)

#### **7-202. Notice of levy; delivery of tax bills.**

(a) *Notice of levy.* Immediately after the levy, the County Commissioners shall give notice of it by advertisement inserted once in a newspaper of general circulation.

(b) *Delivery.* The Treasurer shall prepare the tax bills of each taxpayer and forward them by mail or deliver them to the person or persons, or corporate institutions, or to the agent of the person or persons, or corporate institutions to whom the property included in the tax bills is assessed, so far as their residence or post office address may be ascertained by the Treasurer.

(c) *Notice of interest.* The tax bills shall contain a notice to that effect that if the taxes are not paid on or before the next January 1, with the interest due on them after October 1, the

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taxes will be collected by process of law. (P.L.L., 1930, Art. 20, sec. 347; 1963 Code, sec. 279; 1910, ch. 10, sec. 221 (p. 1134); 1927, ch. 22, sec. 221; 1963, ch. 825, sec. 22; 1977 Code, sec. 55; 1988, ch. 700)

**7-203. When taxes in arrears.**

(a) *Date.* On October 1 following the levy, unpaid taxes are in arrears.

(b) *Enforcement.* The Treasurer shall enforce the payment of all taxes on real property that are unpaid on the following January 1 in the manner provided in State law. (P.L.L., 1930, Art. 20, sec. 349; 1963 Code, sec. 281; 1910, ch. 10, sec. 223 (p. 1134); 1927, ch. 22, sec. 223; 1963, ch. 441, sec. 349; 1963, ch. 825, sec. 22; 1977 Code, sec. 57; 1988, ch. 700)

**7-204. Taxes deposited, distributed.**

(a) *Deposit of taxes.* At least once in each week the Treasurer shall deposit in a national or State bank in Somerset County all taxes received or collected by the Treasurer up to the date of the deposit. The portion due the State shall be deposited to the Treasurer's credit as collector of State taxes, and the portion due Somerset County shall be deposited to the credit of the County Commissioners.

(b) *Check to State Treasurer.* Once a month, the Treasurer shall forward to the State Treasurer a check for the amount of State taxes to the State Treasurer's credit in the bank.

(c) *Certificate of deposit.* The County Treasurer shall receive from the bank a certificate of deposit for each deposit to the credit of the County Commissioners, which the County Treasurer shall deliver to them at their next regular meeting, and for which they shall give to the County Treasurer a proper receipt or voucher.

(d) *Use of funds.* Funds shall be drawn only from the bank upon the check of the President of the County Commissioners, countersigned by the Treasurer:

(1) In payment of debts and accounts due by Somerset County, duly approved and passed by the County Commissioners and ordered by them to be paid; or

(2) For the investment of excess County funds.

(e) *Investment limitation.* County funds may not be invested for terms that would cause a shortage of cash flow.

(f) *Excess funds.* Excess funds may be invested by the Treasurer in:

(1) Treasury bills;

(2) The local government investment pool established in Article 95, § 22G of the Code; and

(3) State and national banks.

(g) *Protection of funds for losses.* The Treasurer shall maintain evidence that all invested funds are protected from any losses, through collateralized securities, FDIC insured accounts, or the full faith and credit of the federal government. (P.L.L., 1930, Art. 20, sec. 348; 1963 Code, sec. 280; 1910, ch. 10, sec. 222 (p. 1134); 1963, ch. 825, sec. 22; 1977 Code, sec. 56; 1988, ch. 700; 1995, ch. 479)

**7-205. Credit for uncollectible bills.**

(a) *Uncollectible bills.* All claims for erroneous, insolvent, or uncollectible tax bills for which the Treasurer claims a credit shall be presented to the County Commissioners before or at the time specified for the final settlement.

(b) *Proof required.* The County Commissioners may not allow credit for erroneous, insolvent, or uncollectible taxes, unless satisfactory proof is produced under oath that they cannot be collected. (P.L.L., 1930, Art. 20, sec. 357; 1963 Code, sec. 287; 1910, ch. 10, sec. 231 (p. 1138); 1977 Code, sec. 63; 1988, ch. 700)

**Subtitle 3. Tax Sales**

**7-301. Liens for taxes.**

If taxes are due and owed on real and personal property by any taxpayers, the whole of the taxes are a lien on the real property. The real property may be sold to pay the taxes without regard to the existence of personal property. (P.L.L., 1930, Art. 20, sec. 350; 1963 Code, sec. 282; 1910, ch. 10, sec. 224 (p. 1135); 1977 Code, sec. 58; 1988, ch. 700)

**7-302. Tax sales; personal property.**

(a) *Order required.* Whenever it is necessary to enforce the payment of taxes by a sale of personal property, the Treasurer shall make out a bill for the taxes in the usual form, with an order at the bottom of the bill directing the County Sheriff to levy upon the personal property of the delinquent and to sell it to satisfy and pay the taxes that are due.

(b) *Sale.* The Sheriff, upon receiving the tax bill and order, shall levy upon and sell the personal property of the delinquent in the same manner and upon the same notice.

(c) *Fees.* The Sheriff is entitled to the same fees as if the Sheriff were proceeding under an execution from a judge of the District Court.

(d) *Payment to Treasurer.* Immediately after the sale, the Sheriff shall pay over to the Treasurer the amount due on the tax bill, and any surplus which remains after the payment of the taxes, interest, and cost shall be paid by the Sheriff to the delinquent taxpayer.

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(e) *Sheriff's bond.* The Sheriff's bond is liable for all of the tax bills that are placed in the Sheriff's hands by the Treasurer to the same extent and in the same manner that the bond is liable for execution claims issued to him. (P.L.L., 1930, Art. 20, sec. 352; 1963 Code, sec. 283; 1910, ch. 10, sec. 226 (p. 1135); 1977 Code, sec. 59; 1988, ch. 700)

**7-303. Tax sale deeds.**

Every tax deed shall contain the name of the former owner of the property it conveys, and the Clerk of the Circuit Court in whose office it is recorded shall index it not only in the name of the grantor and grantee, but also in the name of and as from the former owner to the grantee. (P.L.L., 1930, Art. 20, sec. 354; 1963 Code, sec. 284; 1910, ch. 10, sec. 228 (p. 1137); 1977 Code, sec. 60; 1988, ch. 700)

Editor's Notes for Title 7.

*Chapter 238 of the Acts of 1995* repealed Section 7-201(b), a provision that set the interest rate charged on overdue taxes in the County because it was rendered obsolete by a change made by the same chapter to § 14-603 of the Tax - Property Article of the Annotated Code of Maryland that set the rate charged on overdue taxes due in the County at 1.

*Chapter 479 of the Acts of 1995*, which amended Section 7-204, allowed the County Treasurer to draw funds for the investment of excess County funds; described the types of vehicles the funds may be invested in; and required the County Treasurer to maintain evidence that the funds are invested safely.

*Chapter 578 of the Acts of 2002*, which amended Section 7-104(b), altered the time that the Somerset County Treasurer's office is to open from 9:00 a.m. to 8:30 a.m.

## **Title 8. Special Districts**

### **Subtitle 1. Smith Island Special Taxing District**

#### **8-101. Definitions.**

- (a) *In general.* In this subtitle the following words have the meanings indicated.
- (b) *County Commissioners.* "County Commissioners" means the County Commissioners of Somerset County.
- (c) *District.* "District" means a special taxing district for Smith Island established under this subtitle.
- (d) *Smith Island.* "Smith Island" means the area of Smith Island that is within this State. (1985, ch. 765; 1986, ch. 4; 1977 Code, sec. 73.1; 1988, ch. 700; 1989, ch. 5)

#### **8-102. District established.**

The County Commissioners may establish a district for Smith Island as provided in this subtitle. (1985, ch. 765; 1986, ch. 4; 1977 Code, sec. 73.1; 1988, ch. 700)

#### **8-103. Annual tax.**

- (a) *Tax authorized.* Subject to the provisions of this subtitle, the County Commissioners may impose and cause to be collected from owners of assessable real property in the district an annual tax based on the assessed value of the real property.
- (b) *Transfer of tax.* The County Commissioners shall transfer the tax collected under this subtitle to the County Treasurer.
- (c) *Use of proceeds.* The proceeds of the tax collected under this subtitle shall be used only for the purpose of funding the removal of abandoned vehicles from Smith Island and the prevention of vehicle abandonment on Smith Island. (1985, ch. 765; 1986, ch. 4; 1977 Code, sec. 73.1; 1988, ch. 700)

### **Subtitle 2. Solid Waste Districts**

#### **8-201. District designation.**

- (a) *In general.* The County Commissioners by ordinance may designate that part of Smith Island in Somerset County as a solid waste district for the sole purpose of imposing an annual fee on improved property on Smith Island to offset the cost of removing solid waste, including ash and other residue from the County's incinerator, from Smith Island.
- (b) *Annual fee.*

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(1) A fee imposed by ordinance under this section shall be compatible to the costs incurred by other property owners in Somerset County for disposal of solid waste.

(2) The annual fee imposed under this section may not exceed:

(i) \$50 for improved, residential property; or

(ii) \$100 for other improved property.

(c) *Billing and collection of fee.*

(1) The County Commissioners may:

(i) Include the fee as a separate item on the County tax bill; or

(ii) Mail a separate bill to the owner of the property as shown on County tax rolls.

(2) A fee imposed under this section shall constitute a lien on the property and may be collected in the same manner as property taxes may be collected.

(3) A fee not paid by the date set by the County Commissioners and indicated on the bill shall be subject to interest charges at the same rate of interest as overdue property taxes. (1995, ch. 78)

Editor's Note for Title 8.

*Chapter 78 of the Acts of 1995*, which added Section 8-201, authorized the County Commissioners to designate part of Smith Island as a solid waste district for the purpose of imposing an annual fee on improved property to offset the costs of removing solid wastes; required the fee to be compatible with the costs incurred by other property owners in the County for solid waste removal; authorized the County Commissioners to include the fee on the County tax bill or to mail a separate bill; required that the fee constitute a lien on the property; and authorized the charging of interest on overdue payments.

## **Title 9. Roads**

### **Subtitle 1. Roads Board**

#### **9-101. Roads Board; created, members.**

There is a County Roads Board for Somerset County and the Board of County Commissioners is constituted the County Roads Board. (1963 Code, sec. 298; 1959, ch. 616, sec. 371; 1977 Code, sec. 74; 1988, ch. 700)

#### **9-102. Same; powers and duties.**

(a) *General powers and duties.* The County Roads Board shall control and regulate the public County roads, bridges, drains, water courses, public landings, culverts, and curbs and the gutters along them in the County.

(b) *Street naming and house numbering systems.*

(1) The Board may establish and enforce a street naming and house numbering system for the County.

(2) Under this subsection, the Board may:

(i) Number or renumber houses, buildings, or other property;

(ii) Name or rename streets and other roadways;

(iii) Erect signs showing the names and numbers;

(iv) Adopt regulations for changing the names and numbers; and

(v) Adopt a County plan for the numbering and naming that may include maps, drawings, or other necessary documents. (1963 Code, sec. 299; 1959, ch. 616, sec. 372; 1977 Code, sec. 75; 1988, chs. 222, 700)

#### **9-103. Levy of road funds; use.**

(a) *Levy of road funds.* At the time of making their annual levy, the County Commissioners shall levy an amount annually that is necessary:

(1) For building, repairing, reconstruction, maintenance, and regulation of the use of the public roads, bridges, drains, water courses, public landings, culverts, and curbs and gutters along them in Somerset County, and

(2) For the purchase and maintenance of equipment and for the purchase or rental of land or buildings to be used for that purpose.

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(b) *Designated funds.* The money levied shall be designated "For construction, reconstruction, and maintenance of County roads, bridges, drains, water courses, public landings, culverts, curbs, and gutters and purchasing and renting of equipment, land, and buildings in connection with them". The money may not be earmarked by the County Commissioners for specific purposes; all authority to earmark is vested in the County Roads Board.

(c) *Special account.* All levied and received money shall be deposited by the County Treasurer in a special fund for that purpose and paid out of that fund by the County Treasurer on requisition of the County Roads Board. Any unexpected surplus remaining in this account at the end of any year may be carried over and used by the County Roads Board in future years to carry out the purposes of this title or may be used on account of the costs of the succeeding year's roads program.

(d) *Title.* Title to land, buildings, or equipment purchased by the County Commissioners or by the County Roads Board remains in the County Commissioners. (1963 Code, sec. 300; 1959, ch. 616, sec. 373; 1977 Code, sec. 76; 1988, ch. 700)

**9-104. Roads Board; compensation, meetings.**

(a) *Salary of Roads Board.* The members of the County Roads Board shall each receive, in addition to their compensation as County Commissioners, a salary of \$6,000 annually as a member of the County Roads Board.

(b) *Salary of Treasurer.* In consideration of the additional services to be performed, the County Treasurer shall receive a salary of \$600 annually.

(c) *Meetings.* The County Roads Board shall meet as often as the County Roads Board deems it necessary for the proper performance of its duties. (1963 Code, sec. 301; 1959, ch. 616, sec. 374; 1966, ch. 306, sec. 301; 1971, ch. 190; 1977, ch. 833, sec. 301; 1985, ch. 68; 1977 Code, sec. 77; 1988, ch. 700; 1989, ch. 57; 1991, ch. 140; 1997, ch. 55; 2001, ch. 262)

**9-105. County Roads Engineer; appointment, tenure, duties, salary.**

(a) *Appointment.* The County Roads Board may appoint a County Roads Engineer.

(b) *Academic or practical experience.* A County Roads Engineer shall have a degree in civil engineering or have had at least 10 years' practical experience in constructing roads in a supervisory capacity.

(c) *Dismissal for cause.* The County Roads Engineer serves at the pleasure of and may be dismissed by the County Roads Board for proper cause.

(d) *Responsibility.* The County Roads Engineer is subject to the authority of the County Roads Board and has charge of making surface plats, profiles, and specifications for the grading, drainage, maintenance, repair, and construction of the public roads, bridges, drains,



water courses, public landings, culverts, curbing, and guttering in the County. The County Roads Engineer shall perform or supervise the doing of all necessary engineering and other work in connection with the construction.

(e) *Salary.* The County Roads Engineer shall receive the salary set by the County Roads Board. (1963 Code, sec. 302; 1959, ch. 616, sec. 375; 1983, ch. 59; 1977 Code, sec. 78; 1988, ch. 700)

**9-106. Attorney and Clerk.**

(a) *Attorney and Clerk.* The County Roads Board may employ an Attorney and a Clerk to the Board.

(b) *Attorney's salary.* The Attorney shall receive a salary of \$925 annually for his services to the County Roads Board.

(c) *Clerk's salary.* The County Roads Board shall fix the annual compensation of the Clerk and the manner of payment.

(d) *Additional Attorney's fees.* The Attorney may also be paid additional fees, in the discretion of the County Roads Board, for special services to the Board. (1963 Code, sec. 303; 1959, ch. 616, sec. 376; 1977 Code, sec. 79; 1988, ch. 700; 2002, ch. 577)

**9-107. Other personnel.**

The County Roads Board may employ other personnel and fix their compensation and the manner of paying it as the Board deems necessary to carry out its duties under this title. (1963 Code, sec. 304; 1959, ch. 616, sec. 377; 1977 Code, sec. 80; 1988, ch. 700)

**9-108. Traveling expenses.**

(a) *Traveling expenses.* In addition to their salaries or compensation referred to in this subtitle, the members, appointees, and employees of the County Roads Board shall receive traveling expenses for travel on business of the County Roads Board beyond the limits of Somerset County where deemed necessary by the County Roads Board.

(b) *State Standard Travel Regulations.* The State Standard Travel Regulations apply to these travel expenses. (1963 Code, sec. 305; 1959, ch. 616, sec. 378; 1977 Code, sec. 81; 1988, ch. 700)

**9-109. Authority vested in Roads Board.**

Whenever any specific authority is conferred upon Somerset County relating to the public roads, bridges, drains, water courses, public landings, culverts, and curbs and gutters in the County, it shall be interpreted as vesting that authority in the County Roads Board. (1963 Code, sec. 306; 1959, ch. 616, sec. 379; 1977 Code, sec. 82; 1988, ch. 700)

**9-110. Borrowing power.**

(a) *Authorization.* The County Roads Board may borrow from time to time sums of money it deems necessary to carry out its duties under this title, but not to exceed \$500,000 in the aggregate at any one time.

(b) *Same; additional.* The County Board, from time to time, may borrow additional sums of money, not to exceed \$300,000 in the aggregate at any one time, for the purpose of purchasing land and improvements which it deems necessary to carry out its duties.

(c) *Procedure.* The County Roads Board may issue its notes or certificates of indebtedness as evidence of the loan. Any money borrowed shall be paid into and out of and accounted for along with other regular road funds. (1963 Code, sec. 307; 1959, ch. 616, sec. 380; 1965, ch. 110; 1977 Code, sec. 83; 1988, ch. 700; 2002, ch. 577)

**9-111. Surplus funds; use.**

The County Commissioners may create surpluses from time to time out of revenues received, not exceeding \$150,000 in the aggregate at any one time, for use from time to time as they determine in supplementing the budget expenditures estimated for the current year in carrying out the roads program of the County. (1963 Code, sec. 308; 1959, ch. 616, sec. 380A; 1977 Code, sec. 84; 1988, ch. 700)

**9-112. Same; investment.**

The County Commissioners may invest in United States Government Securities or deposit in guaranteed savings accounts unexpended revenues received from taxation, bond sales, lawful distribution to it of funds from other governmental agencies, or any other funds properly received by it until it determines that funds are needed for proper public purposes. (1963 Code, sec. 309; 1959, ch. 616, sec. 380B; 1977 Code, sec. 85; 1988, ch. 700)

**9-113. Additional powers.**

The power and authority conferred upon the County Commissioners pursuant to Chapter 472 of the Acts of the General Assembly of 1949, upon the taking over of the roads of Somerset County from the State Roads Commission, vests in the County Roads Board. (1963 Code, sec. 310; 1959, ch. 616, sec. 380C; 1977 Code, sec. 86; 1988, ch. 700)

**9-114. General powers of Roads Board.**

(a) *Authority of Board.* The County Roads Board has full power and authority with respect to the public County roads, bridges (except private toll bridges), drains, water courses, public landings, culverts, curbing, and guttering in the County, including any available power of condemnation available to the County Commissioners under any public general or public local laws.

(b) *Same.* This includes the power to make all regulations necessary to carry out the provisions of this title, to make contracts, to deal with employees, to purchase and use all necessary buildings, land, and equipment, and to pass ordinances after reasonable public advertisement of them and public hearing on them, and to set up enforcement and penal provisions for violations of the regulations and ordinances of the Board that relate to the use of the roads, bridges, drains, water courses, public landings, culverts, curbs, and gutters. (1963 Code, sec. 311; 1959, ch. 616, sec. 380D; 1977 Code, sec. 87; 1988, ch. 700)

**9-115. Severability provisions.**

If any provision of this title or the application thereof to any person or circumstances is held invalid, the invalidity does not affect the other provisions or any other application of this title which can be given effect without the invalid provision or application, and to this end the provisions of this title are severable. (1963 Code, sec. 312; 1959, ch. 616, sec. 380E; 1977 Code, sec. 88; 1988, ch. 700)

**9-116. Authority to sell public road.**

The County Roads Board may:

(1) Sell all of the County's right, title, and interest in and to that certain parcel of real property located in the Dublin Election District, Somerset County, Maryland, being all that property known as the roadbed of Costen Road beginning at the intersection of the southbound lane of U.S. Route 13 and Costen Road and proceeding in a southerly direction 980 feet more or less, to the intersection of Costen Road and Peach Orchard Road without public sale when the property is no longer needed for public use;

(2) Arrange the terms, conditions, and amount of consideration, if any, for any sale made under item (1) of this section; and

(3) Execute and acknowledge any deeds and instruments necessary to complete any sale made in accordance with item (1) of this section. (1999, ch. 275)

**Subtitle 2. Shooting on Roads**

**9-201. Prohibited.**

(a) *Prohibited.* A person willfully may not fire a gun, pistol, or other firearm, powder cracker, or any explosive instrument upon any road or public highway in Somerset County.

(b) *Conviction.* Upon conviction, any person violating this section shall be fined a sum of \$10 for each offense. If the convicted person refuses to pay the fine the person may be committed to the County jail until the fine and court costs are paid. (P.L.L., 1930, Art. 20, sec. 381; 1963 Code, sec. 313; 1896, ch. 43; 1974, ch. 277, sec. 313; 1977 Code, sec. 89; 1988, ch. 700)

**Subtitle 3. Employees**

**9-301. Vacation and sick leave.**

Repealed by Chapter 579 of the Acts of 2002.

**Editor's Notes for Title 9.**

*Chapter 55 of the Acts of 1997*, which amended Section 9-104(b), increased the annual salary of members of the County Roads Board to \$5,500, was effective for the next term of office, but did not affect the members of the Board in office on October 1, 1997.

*Chapter 275 of the Acts of 1999*, which added Section 9-116, authorized the County Roads Board to sell a certain public road under specific circumstances.

*Chapter 262 of the Acts of 2001*, which amended Section 9-104(a), increased the annual salary of members of the County Roads Board to \$6,000, to be effective for the next term of office, but did not affect the members of the Board in office on July 1, 2001.

*Chapter 577 of the Acts of 2002*, which amended Section 9-106(b) and Section 9-110(a) and (b), increased the salary of the Attorney for the County Roads Board to \$925; increased the aggregate amount of money the County Roads Board may borrow to \$500,000 to carry out its duties; and increased the aggregate amount of money the County Roads Board may borrow to purchase land and improvements.

*Chapter 579 of the Acts of 2002* repealed Section 9-301 relating to vacation and sick leave for specified employees working on County roads.

## **Title 10. Sheriff**

### **Subtitle 1. Sheriff**

#### **10-101. Service of process.**

(a) *Service of process.* The Sheriff, the Sheriff's chief deputy, and all other deputies of the County shall serve all process in criminal and civil cases issued by a court of competent jurisdiction for Somerset County.

(b) *Crisfield and Princess Anne.* Within the corporate limits of Crisfield and Princess Anne, process in criminal and civil cases issued by a court of competent jurisdiction may be served either by the Sheriff and his deputies or by the police officers of these towns.

(c) *Limits.* Other than the police officers of Crisfield and Princess Anne, no other police officers within the limits of Somerset County may render any bills to the County Commissioners for the service of criminal and civil process or criminal and civil writs issued by a court of competent jurisdiction. (1963 Code, sec. 317; 1941, ch. 409, sec. 395A; 1943, ch. 213; 1974, ch. 277, sec. 317; 1977 Code, sec. 91; 1988, ch. 700)

#### **10-102. Fees and charges in criminal cases.**

All fees and charges in criminal cases to which the Sheriff is entitled by law shall be collected for and paid to the County Commissioners in the following manner: The Clerk of the Circuit Court for the County in all criminal cases instituted or pending in the Circuit Court shall collect all costs taxable in those cases for the benefit of the Sheriff and pay them over to the County Commissioners, together with an itemized quarterly statement on January 1, April 1, July 1 and October 1 in each year. (1963 Code, sec. 318; 1941, ch. 409, sec. 395B; 1974, ch. 277, sec. 318; 1977 Code, sec. 92; 1988, ch. 700)

#### **10-103. Same; Sheriff's report.**

At the time of rendering his monthly account for expenses, the Sheriff shall make to the County Commissioners a full and detailed report of any and all fees collected by him in the discharge of his official duties for the preceding month. The report shall be under the oath of the Sheriff and be accompanied by the Sheriff's check for the proper amount. (1963 Code, sec. 319; 1941, ch. 409, sec. 395C; 1977 Code, sec. 93; 1988, ch. 700)

#### **10-104. Record of prisoners.**

Repealed by Chapter 575 of the Acts of 2002.

#### **10-105. Statement of jail expenses.**

Repealed by Chapter 575 of the Acts of 2002.

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**10-106. Levy for expenses.**

The County Commissioners shall make provision by appropriation in their annual levy from year to year for sufficient funds to pay the salaries and expenses for which provision is made in this title. (1963 Code, sec. 322; 1941, ch. 409, sec. 395F; 1977 Code, sec. 96; 1988, ch. 700)

**10-107. Distraint for rent.**

(a) *Distraint for rent.* In all cases arising in Somerset County where a landlord is authorized to distraint for rent due, and where a warrant of distress for rent is now allowed by law to a landlord, the warrant may be directed to the Sheriff of the County. The Sheriff shall execute the warrants of distress, either by himself or through his sworn deputy.

(b) *Misdemeanor.* Any Sheriff who neglects or refuses to execute a warrant of distress for rent is guilty of a misdemeanor and, upon conviction, shall be fined not more than \$25 for each offense. (P.L.L., 1930, Art. 20, sec. 396; 1963 Code, sec. 323; 1924, ch. 66; 1977 Code, sec. 97; 1988, ch. 700)

**Editor's Note for Title 10.**

*Chapter 575 of the Acts of 2002* repealed Sections 10-104 and 10-105 relating to the duties of the Sheriff of Somerset County with respect to prisoners committed to the custody of the Sheriff and the duties of the County Commissioners with respect to furnishing food, fuel, and light to the County jail. See also Title 12 relating to the duties of the warden of the Somerset County Detention Center, as added by Chapter 575 of the Acts of 2002.

## **Title 11. Tax Exemptions**

### **Subtitle 1. Manufacturers**

#### **11-101. Manufacturers.**

(a) *Purpose.* For the purpose of encouraging the location of new industries in Somerset County and for the purpose of encouraging the growth and development of factories, manufacturing industries, fabricating or assembling facilities, industrial plants, and the like in the County, the County Commissioners may exempt from County taxation factories, manufacturing industries, fabricating or assembling facilities, industrial plants, and the like, and the land, machinery, and tools which those facilities use, and stock in trade or products of the facilities that are located in the County, as provided in this section.

(b) *Determination.* The County Commissioners shall determine what factories, manufacturing industries, fabricating or assembling facilities, industrial plants, and the like are within the meaning and purpose of this section.

(c) *Number of workers.* The exemption from County taxation shall be granted only in those instances where 10 or more wage earners are regularly employed by the person, persons, or corporation applying to the County Commissioners for benefits under this title.

(d) *New improvements.* A tax exemption may not be granted except to new industries or to established local industries which are making substantial bona fide improvements or expansion or undertaking similar new construction work, and shall be granted only with respect to property as is represented by such new improvements, expansion, or construction work.

(e) *Duration.*

(1) The tax exemption shall be granted for only 1 year or portion of 1 year at a time, at the expiration of which the exemption may be renewed after reapplication and approval by the County Commissioners.

(2) An exemption may not continue for longer than 5 years.

(e) *Procedure.* Any and all hearings upon tax exemptions are matters of public knowledge, and action may not be taken upon a request for an exemption earlier than the next regular business session of the County Commissioners after that session at which the initial request for the exemption was made. (1963 Code, sec. 324; 1963, ch. 534; 1965, ch. 506, sec. 324(g); 1971, ch. 285, sec. 324(g); 1976, ch. 737, sec. 324(a), (g); 1981, ch. 484; 1977 Code, sec. 99; 1988, ch. 700; 1989, ch. 64; 1995, ch. 3; 2002, ch. 576)

#### **Editor's Notes for Title 11.**

*Chapter 3 of the Acts of 1995*, which amended Section 11-101(a), made grammatical and clarifying changes in the provision authorizing of the County Commissioners to exempt

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manufacturing facilities from County taxation.

*Chapter 576 of the Acts of 2002*, which amended Section 11-101(e)(2), reduced the maximum duration of tax exemptions for manufacturing property from 10 years to 5 years.



## **Title 12. Detention Center Warden**

### **12-101. Duties of warden.**

(a) *Statement or schedule of prisoners.* The Detention Center warden shall keep a correct and full statement or schedule of all prisoners committed to the Detention Center warden's custody showing:

- (1) By what authority the prisoner is held;
- (2) The offense charged;
- (3) The time the prisoner was received; and
- (4) The time of discharge.

(b) *Inspection of statement or schedule.* The statement or schedule of prisoners together with all books, papers, and commitments kept by the Detention Center warden pertaining to prisoners in the Detention Center shall be open to inspection by the County Commissioners, the State's Attorney, and the Grand Jury for Somerset County.

(c) *Neglect of duty.* If the Detention Center warden neglects or refuses to keep the statement or schedule, or fails to comply with any of the duties of the Detention Center warden, the Detention Center warden is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$100. (2002, ch. 575)

### **12-102. Duties of the County Commissioners as to food, fuel, and light.**

The County Commissioners shall furnish all food, fuel, and light needed for the County Detention Center upon the presentment of itemized statements endorsed by the official in charge of the Detention Center. (2002, ch. 575)

### **12-103. Same; appropriations.**

The County Commissioners shall make provisions by appropriation in their annual levy from year to year for sufficient funds to pay the salaries and expenses for which provision is made in this title. (2002, ch. 575)

### **Editor's Note for Title 12.**

*Chapter 575 of the Acts of 2002* added Sections 12-101 through 12-103 relating to the duties of the Somerset County Detention Center warden with respect to maintaining a correct and full statement or schedule of all prisoners committed to the warden's custody. The Act also required the County Commissioners to furnish all food, fuel, and light for the County Detention Center and appropriate funds for salaries and expenses in connection with the operation of the Detention Center.



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