

TOWN OF LAYTONSVILLE, MARYLAND

AN ORDINANCE TO EXEMPT THE TOWN OF LAYTONSVILLE FROM ALL COUNTY LEGISLATION COVERED BY THE GRANTS OF AUTHORITY TO THE TOWN AND PROVIDING FOR EXCEPTIONS THERETO BY REFERENCE TO SPECIFIC COUNTY LEGISLATION SO THAT THE COUNTY LEGISLATION SO SPECIFICALLY REFERENCED SHALL APPLY AND BE IN FORCE AND EFFECT WITHIN THE TOWN

WHEREAS, The Court of Appeals of Maryland, in Town of Forest Heights v. Tillie Frank, 291 Md. 331 (1981), held a municipal ordinance invalid because it was in conflict with a county law; and

WHEREAS, The Maryland General Assembly thereafter enacted sec. 2B of Art. 23A, Anno. Code of Md., to modify and clarify the conflicts between county legislation and municipal ordinances; and

WHEREAS, The County Council for Montgomery County, Maryland, recently enacted Ch. 23. Laws of Montgomery County 1984, to provide for the applicability of county laws to municipal corporations and to provide for the circumstances under which county legislation may be enforced and administered within municipal corporations; and

WHEREAS, sec. 2-96 of the Mont. Co. Code 1972, as amended by said Ch. 23, Laws of Mont. Co. 1984, provides inter alia that a municipal corporation under certain circumstances may generally exempt itself from all county legislation and then provide for exceptions thereto by reference to specific county legislation; and

WHEREAS, The Town of Laytonsville desires to utilize this approach, viz. to have a general exemption with specific exceptions thereto

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of Laytonsville that the following ordinance be and the same is hereby adopted:

Sec. 1. Pursuant to the authority specified in sec. 2-96 of the Mont. Co. Code 1972, as amended by Ch. 23, Laws of Mont. Co. 1984, the Town of Laytonsville exempts itself from all legislation of Montgomery County, Maryland, covered by the grants of legislative authority to the Town, EXCEPT, HOWEVER, that all the following Montgomery County laws and ordinances

shall apply and be in full force and effect within the Town:

Chapter 3, Mont. Co. Code 1972, "Air Quality Control" as now or hereafter amended (11/5/1999)

Chapter 3A, Mont. Co. Code 1972, "Alarms", as now or hereafter amended. (9/7/1993)

Chapter 5, Mont. Co. Code 1972, "Animal Control", as now or hereafter amended.

Chapter 8, Mont. Co. Code 1972, "Buildings", now including Building Code adopted thereunder, as now or hereafter amended.

Chapter 8A, Mont. Co. Code 1972, "Cable Communications", as now or hereafter amended.

Chapter 11, Mont. Co. Code 1972, "Consumer Protection", as now or hereafter amended. (5/17/1996)

Chapter 17, Mont. Co. Code 1972, "Electricity", including the Electrical Code adopted thereunder, as now or hereafter amended.

Chapter 19, Mont. Co. Code 1972, "Erosion and Sediment Control", as now or hereafter amended.

Chapter 21, Mont. Co. Code 1972, "Fire and Rescue Services" as now or hereafter amended

Chapter 22, Mont. Co. Code 1972, "Fire Safety Code", as now or hereafter amended.

Chapter 24-9, Mont. Co. Code 1972, "Smoking In Public Places and Work Places", as now or hereafter amended. (April 5, 1994)

Chapter 24-9A, Mont. Co. Code 1972, "Smoking In Eating and Drinking Establishments", as now or hereafter amended (April 5, 1994)

Chapter 26, Mont. Co. Code 1972, "Housing Standards", as now or hereafter amended. (June 7, 1988)

Chapter 30A, Mont. Co. Code 1972, "Montgomery County Municipal Revenue Program" as now or hereafter amended. (August 6, 1985)

Chapter 31B, Mont. Co. Code 1972, "Noise Control", as now or hereafter amended. (July 11, 2000)

Chapter 31C, Mont. Co. Code 1972, "New Home Warranty & Builder Licensing" as now or hereafter amended. (October 5, 1993)

Chapter 34, Mont. Co. Code 1972, "Plumbing and Gas Fitting", as now or hereafter amended.

Chapter 35, Mont. Co. Code 1972, "Police" as now or hereafter amended.

Chapter 36, Mont. Co. Code 1972, "Pond, Well, and Excavation Safety Standards" as now or hereafter amended.

Chapter 37, Mont. Co. Code 1972, "Public Welfare", as now or hereafter amended.

Chapter 39, Mont. Co. Code 1972, "Rat Control", as now or hereafter amended.

Chapter 40, Mont. Co. Code 1972, "Real Property", as now or hereafter amended.

Chapter 47, Mont. Co. Code 1972, "Hawkers, Peddlers and Vendors", as now or hereafter amended. (May 7, 1996)

Chapter 48, Mont. Co. Code 1972, "Solid Waste", as now or hereafter amended.

Chapter 49, Art. II, Mont. Co. Code 1972, "Road Construction Code, as now or hereafter amended. (January 6, 1987)

Chapter 51, Mont. Co. Code 1972, "Swimming Pools", as now or hereafter amended.

Chapter 52, Mont. Co. Code 1972, "Taxation", as now or hereafter amended.

Chapter 55, Mont. Co. Code 1972, "Unsafe Building", as now or hereafter amended.

Chapter 58, Mont. Co., Code 1972, "Weeds", as now or hereafter amended. (This chapter was struck on July 7, 1987)

and is no longer effective within the Town.)

Sec. 2. This Ordinance shall take effect on its adoption.

Adopted November 13, 1984

Re-adopted: October 3, 2000