Ordinance No. 09-16 ORDINANCE: To amend Section 1-8 of the Rockville City Code entitled "Application of County law" so as to allow Chapter 18A entitled "Environmental Sustainability," Article 6 entitled "Building Energy Use Benchmarking" of the Montgomery Code to apply in the City.

WHEREAS, the Mayor and Council has determined that it is appropriate for Montgomery County's building energy use benchmarking programs and regulations to apply within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that Section 1-8 of the Rockville City Code entitled "Application of County law" be amended to read as follows:

Sec. 1-8. Application of county law.

(a) The City is generally exempt from all legislation heretofore or hereafter enacted by the County relating to any subject upon which the City has been heretofore or is hereafter granted legislative authority to act either by public general law or by the City Charter.

(b) The following chapters of the Montgomery County Code, [~~2004~~] 2014, or portions thereof, enacted by Montgomery County, as they now exist and as may hereafter be amended, are exceptions to the general exemption contained in subsection (a) and shall be applicable within the City until such time as the City duly exempts the City from their application:

(1) Chapter 1 (general provisions), shall apply within the City only to the extent that such application is necessary to effectively implement other County laws that apply within the City;

(2) Chapter 2 (administration) shall apply within the City only to the extent that such application is necessary to effectively implement other County laws that apply within the City;

(3) Chapter 3 (air quality control);

(4) Chapter 3A (alarms);

(5) Chapter 6 (auction sales);

(6) Chapter 7 (bicycles);

(7) Chapter 10B (common ownership communities) shall apply within the City only until January 25, 2015, after which time Chapter 10B shall no longer apply within the City;

(8) Chapter 11 (consumer protection);

(9) Chapter 11A (condominiums);

(10) Chapter 11C (cooperative housing);

(11) Chapter 18A (environmental sustainability), article 6 (building energy use benchmarking), except that compliance for Group 1 covered buildings as set forth in Section 18A-39(b) is June 1, 2017;

[(11)] (12) Chapter 21 (fire and rescue services);

[(12)] (13) Chapter 24, section 24-9 (smoking prohibitions and restrictions), section 24-9D (tobacco products--placement), and section 24-11B (bodywork establishments);

[(13)] (14) Chapter 24B (homeowners' associations);

[(14)] (15) Chapter 27 (human rights and civil liberties);

[(15)] (16) Chapter 30A (Montgomery County municipal revenue program);

[(16)] (17) Chapter 30C (motor vehicle towing from private property);

[(17)] (18) Chapter 31 (motor vehicles and traffic);

[(18)] (19) Chapter 31A (motor vehicle repair and towing registration);

[(19)] (20) Chapter 31B (noise control), except that this chapter shall not apply to refuse collection performed by the City;

[(20)] (21) Chapter 31C (New home warranty and builder licensing), except that all references to the building codes of the County shall mean the building codes of the City, all references to the Department of Permitting Services shall mean that

office or department of the City charged with the responsibility of issuing building permits for construction in the City, and all references to County-required inspections shall mean City-required inspections. Nothing herein shall grant Montgomery County the authority to issue building permits within the City or to conduct inspections in connection with such permits. The County shall have the authority to inspect property within the City in connection with its investigation of any consumer complaint.

[(21)] (22) Chapter 38A (radio, television and electrical appliance installation and repair);

[(22)] (23) Chapter 44A (secondhand personal property);

[(23)] (24) (i) Chapter 48 (solid waste), article V (recycling) shall apply within the City only as it pertains to businesses and multi-family residences with seven (7) or more dwelling units; and

(ii) The Code of Montgomery County Regulations (COMCOR), Section 48.00.03 implementing Montgomery County Residential and Commercial Recycling programs and requirements, shall apply within the City, except for the regulations contained in Section 48.00.03.03(a) pertaining to the County's single family residential recycling program, including dwellings having six (6) or fewer dwelling units.

[(24)] (25) Chapter 53 (taxicabs and limousines);

[(25)] (26) Chapter 53A (tenant displacement);

[(26)] (27) Chapter 54A (transit facilities).

(c) Notwithstanding any of the foregoing, County legislation shall apply within the City where:

(1) Legislation as enacted by the County Council sitting as a Board of Health for the County pursuant to State law.

(2) A law or regulation as enacted by the County involving County revenue or taxation pursuant to the provisions of State law or legislation adopting the County budget.

(3) A law enacted by the State General Assembly so provides.

(d) Nothing contained in this section shall be deemed to repeal or otherwise affect any City ordinance, whether or not dealing with a subject matter that is the subject of County legislation applying within the City. Such City ordinances shall continue in full force and effect until repealed by the Council.

(e) Whenever County and City legislation apply within the City on the same subject matter, they shall be construed together in such manner as to both be effective within the City. However, if there is a conflict between such County and City legislation, or portions thereof, the City provision shall prevail.

(f) Nothing contained in this section shall limit or otherwise affect the City's authority, whether exercised previously or in the future, to request the enforcement of City legislation in whole or in part by the County and to enter into agreements providing for the same.

Note: Underlining indicates material added.
[Brackets] indicate material deleted.

* * * * * * * * * * * * * * * * * *

I hereby certify that the foregoing is a true and correct copy

of an ordinance adopted by the Mayor and Council at its

meeting of July 11, 2016.

Kathleen A. Conway, City Clerk/Director of Operations