

COUNTY COUNCIL
OF
TALBOT COUNTY, MARYLAND

2020 Legislative Session, Legislative Day No. : September 22, 2020

Bill No.: 1464


Expiration Date: November 26, 2020

Introduced by: Mr. Callahan, Mr. Divilio, Mr. Leshner, Mr. Pack, Ms. Price

A BILL TO AMEND CHAPTER 172 OF THE TALBOT COUNTY CODE (TAXATION) TO AUTHORIZE THE CREATION OF SPECIAL TAXING DISTRICTS IN TALBOT COUNTY FOR THE PURPOSE OF INSTALLING, MAINTAINING, AND OPERATING STREET LIGHTING ALONG COUNTY ROADS AND WHEN SUCH IMPROVEMENTS ARE APPROVED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION, ALONG STATE HIGHWAYS WITHIN TALBOT COUNTY

By the Council: September 22, 2020

Introduced, read first time, ordered posted, and public hearing scheduled on Tuesday, October 27, 2020 at 6:30 p.m. and in the Bradley Meeting Room, South Wing, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

By Order 
Susan W. Moran, Secretary

A BILL TO AMEND CHAPTER 172 OF THE TALBOT COUNTY CODE (TAXATION) TO AUTHORIZE THE CREATION OF SPECIAL TAXING DISTRICTS IN TALBOT COUNTY FOR THE PURPOSE OF INSTALLING, MAINTAINING, AND OPERATING STREET LIGHTING ALONG COUNTY ROADS AND WHEN SUCH IMPROVEMENTS ARE APPROVED BY THE MARYLAND DEPARTMENT OF TRANSPORTATION STATE HIGHWAY ADMINISTRATION, ALONG STATE HIGHWAYS WITHIN TALBOT COUNTY

WHEREAS, Section 621 of the Talbot County Charter authorizes the County Council to create, by legislative act, special taxing areas for special services, purposes and benefits, and may appropriate funds for the operation thereof, chargeable exclusively to such special taxes; and,

WHEREAS, Section 21-801 of the Local Government Article, Md. Code Ann., authorizes the governing body of a county to provide for street lighting along the roads of the county, to enter into contracts for the installation, maintenance, and operation of street lighting, and to pay the costs of such street lighting through special ad valorem taxes levied on properties located in the district to be served; and,

WHEREAS, the public benefits of street lighting include, without limitation, improving motorist and pedestrian safety, promoting economic development in commercial areas, and reducing crime; and,

WHEREAS, there are locations in Talbot County that already have street lighting in need of maintenance or could benefit from the addition of new street lighting; and,

WHEREAS, the County Council desires to establish a process for creating special taxing districts in order to fund existing and future street lighting in Talbot County in a fair and sustainable manner.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF TALBOT COUNTY, MARYLAND, as follows:

SECTION ONE: That Chapter 172 of the *Talbot County Code* is hereby amended as follows:

KEY	
Boldface	Heading or defined term
<u>Underlining</u>	Added by Bill
Strikethrough	Deleted from law by Bill
* * *	Existing law unaffected

* * *

Article VII Special Taxing Districts for Street Lighting

§ 172-41 Definitions. As used in this Article, the following terms shall have the meaning given:

COUNTY – Talbot County, Maryland.

COUNTY COUNCIL – Talbot County Council.

COUNTY ROAD – A road or roadway that is owned, controlled, or maintained by the County, funded by public revenues, and accessible for use by and for the benefit of the general public.

ROAD – The traffic-bearing pavement, or driving surface, and associated base course, constructed and maintained within a roadway.

ROADWAY – The land area comprising the entire width and length of any right-of-way or easement containing a road, including traffic surfaces, intersections, entrances, cul-de-sacs, turnarounds, accesses, parking areas, public landings, shoulder areas, drainage ditches and structures, utilities and utility reservation areas, maintenance areas, plantings, vehicle clearances, and any other structures, signage or appurtenances needed for the safe and beneficial use of the roadway.

STATE HIGHWAY – This term shall have the meaning given in Section 8-101 of the Transportation Article, Md. Code Ann.

STATE HIGHWAY ADMINISTRATION – Maryland Department of Transportation State Highway Administration.

STREET LIGHTING – The artificial illumination of roads, roadways, and highways through the deployment of lights, lightbulbs, lamps, light-emitting diodes, poles, wires, cables, electricity, currents, solar panels, and related light-emitting technologies, resources, and improvements.

§ 172-42 Authority to Provide Street Lighting.

A. The County Council may:

1. Provide for street lighting along County roads, and when such improvements are approved by the State Highway Administration, along State highways within the county; and,
 2. Enter into contracts for the installation, maintenance, and operation of street lighting.
- B. The authority to provide street lighting under this Article shall be in addition to, and not exclusive of or a limitation on, any other authority the County may have under applicable law to provide for street lighting.

§ 172-43 Taxes.

- A. The County shall pay the costs of street lighting provided for under this Article by an ad valorem tax imposed on each property in the district served by the street lighting.
- B. All taxes under this Article shall be imposed in the same manner as County taxes.

§ 172-44 Street Lighting Districts.

- A. The County Council may create a street lighting district only on receipt of a petition signed by 60% of the owners of property located in the proposed district.
- B. The petition shall describe the boundaries of the proposed street lighting district.
- C. On receipt of the petition, the County Council shall hold a public hearing at which residents in the proposed street lighting district shall be given an opportunity to be heard.
- D. The County Council shall:
1. Hold the hearing not less than 14 days nor more than 60 days following receipt of the petition; and,
 2. Publish notice of the hearing at least once in a newspaper of general circulation in the boundaries of the proposed street lighting district.
- E. After the hearing, the County Council may, by legislative enactment, establish the street lighting district and impose on all property that is subject to County taxes and is located in the district ad valorem taxes at a rate sufficient to pay the cost of the street lighting.

* * *

SECTION TWO: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Ordinance which can be given effect without the invalid provision or application, and for this purpose the provisions of this Ordinance are declared severable.

SECTION THREE: The Publishers of the Talbot County Code, the Talbot County Office of Law, or the Talbot County Department of Planning and Zoning, in consultation with and subject to the approval of the County Manager, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, and any internal or external reference or citation to the Code that is incorrect or obsolete, with no further action required by the County Council. All such corrections shall be adequately referenced and described in an editor's note following the section affected.

SECTION FOUR: This Ordinance shall take effect sixty (60) days from the date of its passage.

PUBLIC HEARING

Having been posted and Notice of time, date, and place of hearing, and Title of Bill No. 1464 having been published, a public hearing was held on Tuesday, October 27, 2020 at 6:30 p.m. in the Bradley Meeting Room, Talbot County Courthouse, 11 North Washington Street, Easton, Maryland 21601.

BY THE COUNCIL

Read the third time.

ENACTED: October 27, 2020

By Order Susan W. Moran
Susan W. Moran, Secretary

Pack	-	Aye
Divilio	-	Aye
Callahan	-	Aye
Price	-	Aye
Leshner	-	Aye

EFFECTIVE DATE: December 26, 2020