

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2007 Legislative Session

Legislative Day No. **9**

Bill No. **47** -2007

Introduced by: The Chairperson at the request of the County Executive

AN ACT requiring certain buildings to achieve certain standards relating to energy efficiency and environmental design under certain conditions; requiring certain applicants to submit certain documentation; requiring compliance as a condition of certain approvals; defining certain terms; requiring certain sureties; providing for certain waivers; creating a certain fund; providing for enforcement; providing that the Act shall apply to certain buildings for which certain plans have been filed after a certain date; and generally relating to energy efficiency and environmental design.

Introduced and read first time _____, 2007. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2007.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2007 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2007 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2007

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that new*
2 *Subtitle 10 “Energy efficiency and environmental design” is added to Title 3 “Buildings”*
3 *of the Howard County Code to read as follows:*

4
5 **Title 3. Buildings.**

6 **SUBTITLE 10. ENERGY EFFICIENCY AND ENVIRONMENTAL DESIGN.**

7
8 **SECTION 3.1000. SHORT TITLE.**

9 THIS SUBTITLE MAY BE CITED AS THE HOWARD COUNTY GREEN
10 BUILDINGS LAW.

11
12 **SECTION 3.1001. STATEMENT OF PURPOSE AND POLICY.**

13 THE PURPOSE OF THIS SUBTITLE IS TO PROTECT THE PUBLIC HEALTH AND
14 WELFARE BY INCORPORATING MEASURES INTO THE PLANNING, DESIGN,
15 CONSTRUCTION, AND OPERATION OF CERTAIN BUILDINGS AND THE
16 BUILDING’S SITE IN ORDER TO MITIGATE THE ENERGY AND
17 ENVIRONMENTAL IMPACTS OF THE BUILDING SO THAT THE BUILDING IS
18 ENERGY EFFICIENT, SUSTAINABLE, COST-EFFECTIVE, ACCESSIBLE,
19 FUNCTIONAL, PRODUCTIVE, GENERATES LESS WASTE, AND IMPROVES THE
20 HEALTH AND PRODUCTIVITY OF THE BUILDING’S OCCUPANTS.

21
22 **SECTION 3.1002. DEFINITIONS.**

23 UNLESS SPECIFICALLY DEFINED IN THIS SECTION, TERMS USED IN THIS
24 SUBTITLE HAVE THE MEANINGS SET FORTH IN THE HOWARD COUNTY
25 BUILDING CODE ADOPTED IN SUBTITLE 1 OF THIS TITLE.

26 (A) *COMMISSIONING TEAM.* A GROUP COMPOSED OF THE OWNER,
27 OCCUPANTS, OPERATIONS AND MAINTENANCE STAFF, DESIGN
28 PROFESSIONALS AND CONTRACTORS THAT IS RESPONSIBLE FOR
29 ENSURING, THROUGH DOCUMENTED VERIFICATION, THAT ALL NEW
30 BUILDING SYSTEMS PERFORM AND INTERACT ACCORDING TO ORIGINAL
31 DESIGN DOCUMENTS AND THE OWNER'S OPERATION NEEDS.

- 1 (B) *DEPARTMENT*. THE DEPARTMENT OF INSPECTIONS, LICENSES AND
2 PERMITS.
- 3 (C) *DIRECTOR*. THE DIRECTOR OF THE DEPARTMENT OF INSPECTIONS,
4 LICENSES AND PERMITS OR THE DIRECTOR’S DESIGNEE.
- 5 (D) *GREEN BUILDING COUNCIL*. THE U.S. GREEN BUILDING COUNCIL OR
6 ANY SUCCESSOR ORGANIZATION THAT IMPLEMENTS THE LEED RATING
7 SYSTEM.
- 8 (E) *LEED*. THE SERIES OF LEADERSHIP IN ENERGY AND ENVIRONMENTAL
9 DESIGN RATING SYSTEMS AS DEVELOPED BY THE GREEN BUILDING
10 COUNCIL.
- 11 (F) *LEED ACCREDITED PROFESSIONAL*. A PERSON WHO IS ACCREDITED BY
12 THE GREEN BUILDING COUNCIL AS HAVING THE KNOWLEDGE AND SKILLS
13 NECESSARY TO PARTICIPATE IN THE DESIGN PROCESS, TO SUPPORT AND
14 ENCOURAGE INTEGRATED DESIGN, AND TO STREAMLINE THE
15 LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN PROJECT
16 APPLICATION AND CERTIFICATION PROCESS.
- 17 (G) *LEED CHECKLIST*. THE CHECKLIST APPROVED BY THE GREEN
18 BUILDING COUNCIL THAT SETS FORTH THE CREDIT AND POINT SYSTEM
19 FOR THE LEED RATING SYSTEM.
- 20 (H) *LEED RATING SYSTEM*. THE LEADERSHIP IN ENERGY AND
21 ENVIRONMENTAL DESIGN RATING SYSTEM AS MAY BE ADOPTED AND
22 AMENDED FROM TIME TO TIME AND MAY INCLUDE, WITHOUT
23 LIMITATION, THE FOLLOWING:
- 24 (1) LEED-NC FOR NEW CONSTRUCTION; AND
25 (2) LEED-CS FOR CORE AND SHELL.
- 26 (I) *NEW CONSTRUCTION*. CONSTRUCTION OF A BUILDING THAT REQUIRES
27 A HOWARD COUNTY BUILDING PERMIT OR AN ADDITION TO AN EXISTING
28 BUILDING.
- 29 (J) *PUBLICLY FUNDED BUILDING*. A BUILDING FOR WHICH THE COUNTY
30 FINANCES AT LEAST 30% OF THE COST OF:
- 31 (1) NEW CONSTRUCTION; OR

1 (2) A LEASE FOR THE USE OF NEW CONSTRUCTION, INCLUSIVE OF
2 OPTIONS, FOR A PERIOD OF GREATER THAN 20 YEARS.

3

4 **SECTION 3.1003. APPLICABILITY; EXCEPTIONS.**

5 (A) *APPLICABILITY*. EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS
6 SECTION, THE FOLLOWING NEW CONSTRUCTION SHALL COMPLY WITH
7 THE REQUIREMENTS OF THIS SUBTITLE:

8 (1) NEW CONSTRUCTION OF A PUBLICLY FUNDED BUILDING
9 WITH 10,000 SQUARE FEET OR MORE OF GROSS FLOOR AREA;
10 AND

11 (2) NEW CONSTRUCTION OF BUILDINGS THAT ARE NOT
12 PUBLICLY FUNDED AND HAVE 20,000 SQUARE FEET OR MORE
13 OF GROSS FLOOR AREA IN THE FOLLOWING OCCUPANCY
14 CATEGORIES:

15 (I) ASSEMBLY GROUP A;

16 (II) BUSINESS GROUP B;

17 (III) INSTITUTIONAL GROUP I;

18 (IV) MERCANTILE GROUP M;

19 (V) MIXED OCCUPANCIES IF A MAJORITY OF THE USE IS AN
20 OCCUPANCY INCLUDED IN THIS SUBSECTION; AND

21 (VI) THE FOLLOWING RESIDENTIAL OCCUPANCIES:

22 A. RESIDENTIAL R-1; AND

23 B. RESIDENTIAL R-2.

24 (B) *EXCEPTIONS*. THE REQUIREMENTS OF THIS SUBTITLE SHALL NOT
25 APPLY TO:

26 (1) NEW CONSTRUCTION OF A PUBLICLY FUNDED BUILDING IN
27 THE E OR I-3 OCCUPANCY CATEGORIES;

28 (2) NEW CONSTRUCTION OF A NON-PUBLICLY FUNDED BUILDING
29 IN THE R-2 OCCUPANCY THAT IS:

30 (I) MADE UP OF ONLY RESIDENTIAL DWELLING UNITS;

31 AND

- 1 (II) LESS THAN 4 STORIES IN HEIGHT;
- 2 (3) NEW CONSTRUCTION OF A BUILDING THAT DOES NOT HAVE
- 3 AN HVAC SYSTEM; AND
- 4 (4) OTHER NEW CONSTRUCTION AS MAY BE SET FORTH BY
- 5 REGULATION OF THE DIRECTOR.

6

7 **SECTION 3.1004. STANDARDS FOR COMPLIANCE.**

8 (A) *PUBLICLY FUNDED BUILDINGS*. NEW CONSTRUCTION OF A PUBLICLY
9 FUNDED BUILDING THAT IS SUBJECT TO THIS SUBTITLE SHALL:

- 10 (1) ACHIEVE A CERTIFICATION FROM THE GREEN BUILDING
- 11 COUNCIL OF A SILVER-LEVEL RATING OR HIGHER IN ONE OF
- 12 THE FOLLOWING LEED RATING SYSTEMS ADOPTED AT THE
- 13 TIME THE APPLICANT REGISTERS FOR LEED:
- 14 (I) NEW CONSTRUCTION; OR
- 15 (II) CORE AND SHELL; OR
- 16 (2) COMPLY WITH ENERGY AND ENVIRONMENTAL DESIGN
- 17 STANDARDS THAT THE DIRECTOR MAY IDENTIFY BY
- 18 REGULATION AS EQUIVALENT TO A SILVER-LEVEL RATING IN
- 19 THE APPROPRIATE LEED RATING SYSTEM.

20 (B) *OTHER BUILDINGS*. NEW CONSTRUCTION OF A NON-PUBLICLY FUNDED
21 BUILDING THAT IS SUBJECT TO THIS SUBTITLE SHALL:

- 22 (1) ACHIEVE A CERTIFICATION FROM THE GREEN BUILDING
- 23 COUNCIL OF CERTIFIED-LEVEL RATING OR HIGHER IN ONE OF
- 24 THE FOLLOWING LEED RATING SYSTEMS ADOPTED AT THE
- 25 TIME THE APPLICANT REGISTERS FOR LEED:
- 26 (I) NEW CONSTRUCTION; OR
- 27 (II) CORE AND SHELL; OR
- 28 (2) COMPLY WITH ENERGY AND ENVIRONMENTAL DESIGN
- 29 STANDARDS THAT THE DIRECTOR MAY IDENTIFY BY
- 30 REGULATION AS EQUIVALENT TO A CERTIFIED-LEVEL
- 31 RATING IN THE APPROPRIATE LEED RATING SYSTEM.

1 **SECTION 3.1005. REQUIRED SUBMISSIONS; CONDITION OF APPROVAL;**
2 **CERTIFICATE OF USE AND OCCUPANCY.**

3 (A) *REQUIRED SUBMISSIONS- SITE DEVELOPMENT PLAN APPLICATION.* IN
4 ADDITION TO OTHER DOCUMENTS REQUIRED TO BE SUBMITTED WITH A
5 SITE DEVELOPMENT PLAN APPLICATION IN ACCORDANCE WITH SECTION
6 16.156 OF THIS CODE, AN APPLICANT SHALL SUBMIT TO THE DIRECTOR OF
7 THE DEPARTMENT OF PLANNING AND ZONING:

8 (1) DOCUMENTATION SHOWING THAT THE PROJECT:

- 9 (I) HAS BEEN REGISTERED WITH THE GREEN BUILDING
10 COUNCIL AND THAT THE APPLICABLE LEED
11 REGISTRATION FEE HAS BEEN PAID; OR
12 (II) MEETS ENERGY AND ENVIRONMENTAL DESIGN
13 STANDARDS THAT THE DIRECTOR MAY IDENTIFY BY
14 REGULATION AS EQUIVALENT TO THE APPROPRIATE
15 LEED RATING SYSTEM; AND

16 (2) A CHECKLIST THAT:

- 17 (I) SHALL BE PREPARED, SIGNED, AND DATED BY THE
18 PROJECT LEED ACCREDITED PROFESSIONAL; OR
19 (II) IF THE DIRECTOR HAS ADOPTED EQUIVALENT
20 STANDARDS BY REGULATION, IS APPROVED BY THE
21 DIRECTOR AS DEMONSTRATING THAT THE APPLICANT
22 MEETS THE EQUIVALENT STANDARDS.

23 (B) *REQUIRED SUBMISSIONS- BUILDING PERMIT APPLICATION.* IN ADDITION
24 TO OTHER DOCUMENTS REQUIRED TO BE SUBMITTED WITH A BUILDING
25 PERMIT APPLICATION, AN APPLICANT SHALL SUBMIT THE FOLLOWING
26 DOCUMENTATION TO THE DIRECTOR:

- 27 (1) DOCUMENTATION SHOWING THAT THE PROJECT HAS BEEN
28 REGISTERED WITH THE GREEN BUILDING COUNCIL;
29 (2) AN UPDATED LEED CHECKLIST THAT SHALL BE PREPARED,
30 SIGNED, AND DATED BY THE PROJECT LEED ACCREDITED
31 PROFESSIONAL OR, IF THE DIRECTOR HAS ADOPTED

1 EQUIVALENT STANDARDS BY REGULATION, AN UPDATED
2 CHECKLIST THAT IS APPROVED BY THE DIRECTOR AS
3 DEMONSTRATING THAT THE APPLICANT MEETS THE
4 EQUIVALENT STANDARDS;

5 (3) ANY OTHER DOCUMENT OR INFORMATION THE DIRECTOR
6 FINDS NECESSARY TO DETERMINE WHETHER THE BUILDING
7 WILL ACHIEVE THE APPLICABLE STANDARD UNDER SECTION
8 3.1004 OF THIS SUBTITLE;

9 (4) DOCUMENTATION THAT THE LEED DESIGN FEATURES AND
10 SPECIFICATIONS HAVE BEEN REVIEWED AND APPROVED BY
11 THE PROJECT'S LEED ACCREDITED PROFESSIONAL; AND

12 (5) GENERAL NOTES OR INDIVIDUAL DETAIL DRAWINGS ON ALL
13 CONSTRUCTION DOCUMENTS SHOWING OR EXPLAINING THE
14 GREEN BUILDING MEASURES USED TO ATTAIN THE
15 APPLICABLE LEED RATING.

16 (C) *REQUIRED SUBMISSIONS – USE AND OCCUPANCY PERMIT.* PRIOR TO
17 ISSUANCE OF A USE AND OCCUPANCY PERMIT, AN APPLICANT SHALL
18 SUBMIT DOCUMENTS DEMONSTRATING THAT THE BUILDING DESIGN AND
19 SUBMITTAL REQUIREMENTS HAVE BEEN REVIEWED BY A
20 COMMISSIONING TEAM.

21 (D) *CONDITION OF APPROVAL.* THE REQUIREMENTS OF THIS SECTION
22 SHALL BE A CONDITION OF APPROVAL SET FORTH ON THE SITE
23 DEVELOPMENT PLAN AND THE BUILDING PERMIT.

24 (E) *FOLLOWING RECEIPT OF A CERTIFICATE OF USE AND OCCUPANCY.*
25 WITHIN 36 MONTHS OF RECEIPT OF A CERTIFICATE OF USE AND
26 OCCUPANCY, THE APPLICANT SHALL PROVIDE PROOF TO THE DIRECTOR
27 THAT THE REQUIRED LEED-LEVEL RATING OR AN EQUIVALENT
28 STANDARD AS MAY BE DETERMINED BY REGULATION OF THE DIRECTOR
29 WAS OBTAINED.

1 **3.1006. SURETY.**

2 (A) *REQUIRED.* PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE
3 APPLICANT SHALL PROVIDE SURETY IN THE FORM OF CASH, BOND, OR
4 LETTER OF CREDIT TO GUARANTEE ACHIEVEMENT OF THE REQUIRED
5 CERTIFICATION.

6 (B) *RELEASE OF SURETY.* THE SURETY REQUIRED BY THIS SECTION SHALL
7 BE RELEASED UPON INDEPENDENT VERIFICATION BY THE DIRECTOR
8 THAT THE CERTIFICATIONS REQUIRED BY THIS SUBTITLE HAVE BEEN
9 ACHIEVED.

10 (C) *FORFEITURE OF SURETY.* THE SURETY SHALL BE FORFEITED AND
11 PLACED IN THE GENERAL FUND IF THE APPLICANT FAILS TO OBTAIN THE
12 CERTIFICATION REQUIRED BY THIS SUBTITLE:

13 (1) WITHIN 36 MONTHS OF APPROVAL OF A USE AND OCCUPANCY
14 PERMIT FOR THE BUILDING; OR

15 (2) WHEN THE GREEN BUILDING COUNCIL ISSUES A FINAL
16 DETERMINATION, INCLUDING THE RESOLUTION OF ANY
17 APPEAL, TO DENY THE CERTIFICATION.

18 (D) *AMOUNT OF SURETY.* THE SURETY SHALL BE COMPUTED BASED ON A
19 SQUARE-FOOT BASIS AT A RATE ESTABLISHED IN A FEE SCHEDULE
20 ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL.

21
22 **3.1007. EXPEDITED REVIEW.**

23 FOR A BUILDING THAT QUALIFIES FOR LEED GOLD OR PLATINUM-LEVEL
24 RATING OR AN EQUIVALENT STANDARD AS MAY BE DETERMINED BY
25 REGULATION OF THE DIRECTOR, AN APPLICATION FOR A BUILDING
26 PERMIT SHALL RECEIVE EXPEDITED REVIEW BY THE DEPARTMENT.

27
28 **3.1008. WAIVERS; FEE-IN-LIEU.**

29 (A) *WAIVERS; STANDARDS FOR GRANTING.* THE DIRECTOR MAY GRANT A
30 WAIVER TO THE REQUIREMENTS OF THIS SUBTITLE WHERE, BY REASON
31 OF UNIQUE PHYSICAL CHARACTERISTICS OF THE PROPERTY INCLUDING

1 EXCEPTIONAL TOPOGRAPHIC CONDITIONS OR THE SIZE OR SHAPE OF THE
2 PROPERTY, STRICT COMPLIANCE WITH THE REQUIREMENTS OF THIS
3 SUBTITLE WOULD RESULT IN AN UNWARRANTED HARDSHIP TO AN
4 APPLICANT FOR A BUILDING PERMIT. FOR PURPOSES OF THIS SECTION,
5 UNWARRANTED HARDSHIP DOES NOT INCLUDE FINANCIAL HARDSHIP.

6 (B) *REQUEST*. A REQUEST TO WAIVE THE REQUIREMENTS OF THIS
7 SUBTITLE SHALL:

- 8 (1) BE IN WRITING IN A FORM REQUIRED BY THE DIRECTOR;
- 9 (2) BE ACCOMPANIED BY SUPPORTING INFORMATION THAT
10 JUSTIFIES THE REQUEST INCLUDING LETTERS, STATEMENTS,
11 OR TEST RESULTS; AND
- 12 (3) INCLUDE, WHERE APPLICABLE, TECHNICAL DOCUMENTATION
13 TO DEMONSTRATE THAT COMPLIANCE CANNOT BE
14 ACHIEVED.

15 (C) *FEE-IN-LIEU*. EXCEPT FOR A PUBLICLY-FUNDED BUILDING, AN
16 APPLICANT WHO IS GRANTED A WAIVER SHALL BE REQUIRED TO PAY A
17 FEE-IN-LIEU INTO THE GREEN BUILDING FUND THAT IS:

- 18 (1) CALCULATED ON A SQUARE-FOOT BASIS AT A RATE
19 ESTABLISHED IN A FEE SCHEDULE ADOPTED BY RESOLUTION
20 OF THE COUNTY COUNCIL; AND
- 21 (2) DUE BEFORE THE BUILDING PERMIT IS GRANTED.

22
23 **SECTION 3.1009. GREEN BUILDING FUND.**

24 (A) *FUND ESTABLISHED*. THE DIRECTOR OF FINANCE SHALL ESTABLISH
25 AN ACCOUNT TO BE KNOWN AS THE GREEN BUILDING FUND AND NO
26 MONIES DEPOSITED IN THIS ACCOUNT MAY REVERT TO THE GENERAL
27 FUND.

28 (B) *SOURCE OF MONIES IN FUND*. THE GREEN BUILDING FUND SHALL
29 CONTAIN:

- 30 (1) FEES-IN-LIEU AS REQUIRED BY SECTION 3.1008 OF THIS
31 SUBTITLE; AND

- 1 (2) ALL INTEREST EARNED ON MONEY IN THE FUND.
- 2 (C) *USE OF THE GREEN BUILDING FUND.* MONIES IN THE GREEN BUILDING
- 3 FUND MAY BE USED BY THE COUNTY FOR THE PURPOSE OF:
- 4 (1) FINDING WAYS TO REDUCE ENERGY CONSUMPTION;
- 5 (2) COVERING STAFFING AND OPERATIONAL COSTS TO PROVIDE
- 6 TECHNICAL ASSISTANCE, PLAN REVIEW, AND MONITORING
- 7 OF BUILDINGS SUBJECT TO THIS SUBTITLE; AND
- 8 (3) PROVIDING EDUCATION, TRAINING, AND OUTREACH TO THE
- 9 PUBLIC AND PRIVATE SECTORS IN GREEN BUILDING
- 10 PRACTICES.

11

12 **SECTION 3.1010. RULES AND REGULATIONS.**

13 THE DEPARTMENT MAY ADOPT RULES AND REGULATIONS TO

14 ADMINISTER THIS SUBTITLE.

15

16 **SECTION 3.1011. REPORT.**

17 (A) *CONTENT OF REPORT.* THE DIRECTOR SHALL SUBMIT TO THE COUNTY

18 EXECUTIVE AND THE COUNTY COUNCIL A REPORT THAT LISTS, BASED ON

19 THE PRECEDING CALENDAR YEAR:

- 20 (1) FOR BUILDINGS THAT WERE REQUIRED TO COMPLY WITH
- 21 THIS SUBTITLE:
- 22 (I) THE NUMBER AND TYPES OF BUILDINGS; AND
- 23 (II) THE LEVEL OF CERTIFICATION OBTAINED;
- 24 (2) FOR BUILDINGS THAT WERE EXEMPT FROM THIS SUBTITLE:
- 25 (I) THE NUMBER AND TYPES OF BUILDINGS; AND
- 26 (II) THE REASON FOR THE EXEMPTION; AND
- 27 (3) THE NUMBER OF WAIVERS TO THE REQUIREMENTS OF THIS
- 28 SUBTITLE THAT THE DIRECTOR APPROVED INCLUDING:
- 29 (I) THE REASON FOR THE WAIVER; AND
- 30 (II) ANY CONDITION ATTACHED TO THE WAIVER, SUCH AS
- 31 A FEE-IN-LIEU.

1 (B) *TIMING OF REPORT*. THE REPORT IS DUE NOT LATER THAN MARCH 1 OF
2 EACH YEAR.

3
4 **3.1012. ENFORCEMENT.**

5 (A) *BUILDING CODE*. THIS SUBTITLE MAY BE ENFORCED IN ACCORDANCE
6 THE HOWARD COUNTY BUILDING CODE AS ADOPTED IN SUBTITLE 1 OF
7 THIS TITLE.

8 (B) *CIVIL PENALTIES*. THE DIRECTOR MAY INSTITUTE ANY ACTION AT LAW
9 OR EQUITY, INCLUDING INJUNCTION OR MANDAMUS, TO ENFORCE THE
10 PROVISIONS OF THIS SUBTITLE. ALTERNATIVELY, AND IN ADDITION TO
11 AND CONCURRENT WITH ALL OTHER REMEDIES, THE DIRECTOR MAY
12 ENFORCE SECTION 3.1005 OF THIS SUBTITLE WITH CIVIL PENALTIES IN
13 ACCORDANCE WITH TITLE 24 OF THE HOWARD COUNTY CODE. A FIRST
14 VIOLATION OF SECTION 3.1005 IS A CLASS C OFFENSE. A SUBSEQUENT
15 VIOLATION IS A CLASS B OFFENSE. EACH DAY THAT A VIOLATION
16 CONTINUES IS A SEPARATE OFFENSE.

17
18 **3.1013. SEVERABILITY.**

19 IF ANY PART OF THIS SUBTITLE IS HELD INVALID, THE INVALIDITY SHALL
20 NOT AFFECT THE OTHER PARTS.

21
22 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
23 *Maryland, that new subsection (u) is added to Section 16.144 “General procedures*
24 *regarding the subdivision process” of Article IV “Procedures for filing and processing*
25 *subdivision applications” of Subtitle 1 “Subdivision and Land Development*
26 *Regulations” of Title 16 “Planning, Zoning and Subdivisions and Land Development*
27 *Regulations” of the Howard County Code to read as follows:*

28
29 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

30 **Subtitle 1. Subdivisions and Land Development Regulations.**

31 **Article IV. Procedures for Filing and Processing Subdivision Applications.**

1 **Section 16.144. General procedures regarding the subdivision process.**

2 (U) *COMPLIANCE WITH GREEN BUILDING LAW.* A SITE DEVELOPMENT PLAN
3 APPLICATION FOR A PROJECT THAT IS REQUIRED TO COMPLY WITH THE
4 HOWARD COUNTY GREEN BUILDINGS LAW, SET FORTH IN SUBTITLE 10 OF
5 TITLE 3 OF THIS CODE, SHALL COMPLY WITH SECTION 3.1005 OF THIS CODE
6 PRIOR TO APPROVAL OF THE PLAN.

7
8 *Section 3. And Be it Further Enacted by the County Council of Howard County,*
9 *Maryland that this Act shall apply to a site development plan for new construction that is*
10 *filed with the Department of Planning and Zoning on or after July 1, 2008.*

11
12 *Section 4. And Be It Further Enacted by the County Council of Howard County,*
13 *Maryland, that this Act shall become effective 61 days after its enactment.*