

Introduced 7/8/16
Public Hearing 7/18/16
Council Action 7/29/16
Executive Action 8/5/16
Effective Date 10/5/16

County Council of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 8

Bill No. 51-2016

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

AN ACT clarifying the method of computing time for deadlines set forth in the Howard County Code; defining certain terms; and generally relating to computing time.

Introduced and read first time July 8, 2016. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, 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 July 18, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on July 29, 2016 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 29th day of July, 2016 at 4 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive Aug 5, 2016

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL 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 the Howard*
2 *County Code is amended as follows:*

3 *By adding Subtitle 9 "Computation of Time" to*
4 *Title 22 "General Provisions"*

5
6 **Title 22. General Provisions.**

7 **SUBTITLE 9. COMPUTATION OF TIME.**

8
9 **SECTION 22.900. DEFINITIONS.**

10 FOR PURPOSES OF THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED:

11 (A) *DEADLINE* MEANS THE LAST DAY OF ANY PERIOD OF TIME BY WHICH ANY PERSON OR COUNTY
12 DEPARTMENT OR AGENCY IS REQUIRED TO TAKE SOME ACTION.

13 ~~(B) *HOLIDAY* MEANS RECOGNIZED COUNTY, STATE, AND FEDERAL HOLIDAYS.~~ (B) *HOLIDAY* MEANS
14 THE HOLIDAYS DESIGNATED BY THE COUNTY'S CHIEF ADMINISTRATIVE OFFICER AND POSTED ON
15 THE COUNTY'S WEBSITE.".

16 (C) *ORDINARY BUSINESS HOURS* MEANS 8 A.M. TO 5 P.M. ON MONDAY THROUGH FRIDAY.

17
18 **SECTION 22.901. APPLICATION.**

19 THIS SUBTITLE APPLIES TO ANY DEADLINE ESTABLISHED BY THIS CODE THAT EXCEEDS SEVEN
20 DAYS.

21
22 **SECTION 22.902. COMPUTATION OF TIME.**

23 (A) *BEGINNING OF THE PERIOD OF TIME.* IN COMPUTING ANY PERIOD OF TIME ~~PRESCRIBED BY THIS~~
24 SUBJECT TO THIS SUBTITLE CODE, THE DAY OF THE ACT, EVENT, OR DEFAULT, AFTER WHICH THE
25 DESIGNATED PERIOD OF TIME BEGINS TO RUN, IS NOT TO BE INCLUDED.

26 (B) *DEADLINE.* THE DEADLINE IS TO BE COMPUTED AS FOLLOWS:

- 27 (1) IF THE LAST DAY IS A SATURDAY, SUNDAY, OR HOLIDAY, THE DEADLINE SHALL BE
28 THE END OF THE NEXT DAY, WHICH IS NOT A SATURDAY, SUNDAY, OR HOLIDAY; OR
29 (2) IF THE COUNTY OFFICE IS NOT OPEN ON THE LAST DAY OF THE PERIOD, OR IS CLOSED
30 FOR A PART OF A DAY, THE DEADLINE SHALL BE THE END OF THE NEXT DAY WHICH

1 IS:
2 (I) NOT A SATURDAY, SUNDAY, OR HOLIDAY; OR
3 (II) A DAY ON WHICH THE COUNTY OFFICE IS OPEN THE ENTIRE DAY DURING
4 ORDINARY BUSINESS HOURS.

5 ~~(C) COUNTING DAYS. WHEN COMPUTING A PERIOD OF TIME, INTERMEDIATE SATURDAYS,~~
6 ~~SUNDAYS, AND HOLIDAYS SHALL:~~

7 ~~(1) BE COUNTED WHEN THE PERIOD OF TIME ALLOWED IS MORE THAN 7 DAYS; OR~~

8 ~~(2) NOT BE COUNTED WHEN THE PERIOD OF TIME ALLOWED IS 7 DAYS OR LESS.~~

9

10 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that*
11 *this Act shall become effective 61 days after its enactment.*

Amendment 1 to Council Bill No. 51-2016

BY: The Chairperson at the
request of the County Executive

Legislative Day No. 9
Date: July 29, 2016

Amendment No. 1

(This amendment:

1. Clarifies that holidays means those holidays designated by the CAO and posted on the County's website; and
2. Clarifies that the bill applies to periods of time that exceed seven days.)

1 On page 1, strike line 13 and substitute:

2 "(B) HOLIDAY MEANS THE HOLIDAYS DESIGNATED BY THE COUNTY'S CHIEF ADMINISTRATIVE
3 OFFICER AND POSTED ON THE COUNTY'S WEBSITE.".

4

5 On page 1, in line 17, after "CODE" insert "THAT EXCEEDS SEVEN DAYS."

6

7 On page 1, in line 20, strike "PRESCRIBED BY THIS" and substitute "SUBJECT TO THIS SUBTITLE".

8

9 On page 1, in line 21, strike "CODE".

10

11 On page 2, strike lines 2 through 5, inclusive and in their entirety.

ADOPTED

FAILED

SIGNATURE

7/29/16

[Handwritten Signature]

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

County Council of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 8

Bill No. 51-2016

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AN ACT clarifying the method of computing time for deadlines set forth in the Howard County Code; defining certain terms; and generally relating to computing time.

Introduced and read first time _____, 2016. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, 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 _____, 2016.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2016 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2016 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2016

Allan H. Kittleman, County Executive

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

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30 (II) A DAY ON WHICH THE COUNTY OFFICE IS OPEN THE ENTIRE DAY DURING

ORDINARY BUSINESS HOURS.

(c) *COUNTING DAYS*. WHEN COMPUTING A PERIOD OF TIME, INTERMEDIATE SATURDAYS,
SUNDAYS, AND HOLIDAYS SHALL:

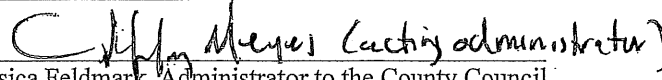
- (1) BE COUNTED WHEN THE PERIOD OF TIME ALLOWED IS MORE THAN 7 DAYS; OR
- (2) NOT BE COUNTED WHEN THE PERIOD OF TIME ALLOWED IS 7 DAYS OR LESS.

***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that
this Act shall become effective 61 days after its enactment.***



BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on August 5, 2016, 2016.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill No. 51-2016

BY: The Chairperson at the
request of the County Executive

Legislative Day No. 9
Date: July 29, 2016

Amendment No. 1

(This amendment:

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- 2. Clarifies that the bill applies to periods of time that exceed seven days.)*

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9 On page 1, in line 21, strike “CODE”.

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11 On page 2, strike lines 2 through 5, inclusive and in their entirety.

Feldmark, Jessica

From: Sager, Jennifer
Sent: Friday, July 15, 2016 12:50 PM
To: Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; Weinstein, Jon
Cc: Feldmark, Jessica; Meyers, Jeff; Schrader, Sandy; Wilson, B Diane; Siddiqui, Jahantab; Robbins, Lonnie
Subject: Further amendments to CB 51 (computation of time)

Councilmembers,

Upon further research and review, we will be amending CB 51, the computation of time bill, as follows:

1. We will clarify the use of the term "holiday" on page 1, line 13.
2. We will also narrow the scope of the bill by making the bill apply only to deadlines that exceed 7 days. This change will occur on page 1, line 17.
3. We will also be striking the language on page 2, lines 2 through 5 related to counting days. We will not make the change previously suggested because this entire provision will be removed from the bill.

Let me know if you have any questions.

Thanks,
Jen

Feldmark, Jessica

From: Sager, Jennifer
Sent: Wednesday, July 06, 2016 12:51 PM
To: Ball, Calvin B; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; Weinstein, Jon
Cc: Feldmark, Jessica; Meyers, Jeff; Schrader, Sandy; Wilson, B Diane; Siddiqui, Jahantab
Subject: Proposed amendment CB 51

In Council Bill No. 51 related to computing time, we intend to make the following amendment:

On page 2, in line 2, strike "When" and substitute "Unless the period of time is specified in this Code to be a "calendar", "business", or "working" day, when".

This amendment will allow for currently-existing code provisions that set forth calendar, business or working days to continue.

Let me know if you have any questions.

Thanks,
Jen

MBIA Letter of Support for CB51 - Time Deadlines Clarification for Government Closures

FILE COPY

Joshua Greenfeld [jgreenfeld@marylandbuilders.org]

Sent: Monday, July 18, 2016 9:45 AM

To: Feldmark, Jessica; Ball, Calvin B; Smith, Gary; Weinstein, Jon; Terrasa, Jen; Sigaty, Mary Kay; Fox, Greg; Knight, Karen; Pruim, Kimberly; Clay, Mary; CouncilMail; allan.kittleman@gmail.com; Kittleman, Allan; Delorenzo, Carl; Siddiqui, Jahantab; Wilson, B Diane; Lazdins, Valdis

Cc: James Fraser [jamie@i-s-land.com]; Lori Graf [LGraf@marylandbuilders.org]

Attachments: MBIA Letter of Support for~1.pdf (123 KB)

Dear Chairman Ball and Members of the Howard County Council:

The MBIA writes in support of CB51-2016 which clarifies that all deadlines contained in the Howard County code shall be extended to the next business day when they fall on a weekend, holiday or government closure. While this change may seem insignificant, the increased predictability and use of the full time allowance for a given deadline makes a significant difference in a development project while also extending hundreds of deadlines County residents rely on to pay water bills, apply for licenses, file petitions or conduct almost any other business in Howard County. This legislation is good for business, good for residents and good for the County.

Thank you for your support of this legislation and the home building industry in Howard County.

If you have any questions about these comments and would like to discuss our position further, please do not hesitate to contact me.

Best regards,

Josh Greenfeld, Esq.

jgreenfeld@marylandbuilders.org

Vice President of Government Affairs
Maryland Building Industry Association
11825 W. Market Place
Fulton, MD 20759
Ph: 443-515-0025



FIL & SMC's Tour & Conversation - July 20
See Wormald's Georgetown Model at Crown. [Register here.](#)

Anne Arundel Summer Charity Event - July 21
Chesapeake Bayhawks Lacrosse Game. [Register here.](#)

MBIA's Golf Outing & Reception at MACO - August 18
Join us in Ocean City, MD. [Register here.](#)

Check out NAHB's Member Advantage Program at www.nahb.org/ma

July 18, 2016

Re: LETTER OF SUPPORT FOR CB51-2016 – County Deadlines Clarification

Dear Chairman Ball and Members of the Howard County Council:

The MBIA writes in support of CB51-2016 which clarifies that all deadlines contained in the Howard County code shall be extended to the next business day when they fall on a weekend, holiday or government closure. While this change may seem insignificant, the increased predictability and use of the full time allowance for a given deadline makes a significant difference in a development project.

This change makes Howard County consistent with most other state and federal deadlines, which typically allow deadlines falling on weekends, holiday or government closures to be extended to the following business day. There are several hundred deadlines in the County code, which can be confusing for residents, the business community and even County staff. This legislation eliminates any potential confusion and gives everyone their full time allotment to pay water bills, file petitions, file plans, apply for licenses or conduct almost any other business in the County. This change is good for business, good for constituents and will make the County more efficient.

Thank you for your support of this legislation and the home building industry in Howard County.

If you have any questions about these comments and would like to discuss our position further, please do not hesitate to contact me.

Best regards,

Josh Greenfeld, Vice President of Government Affairs

Cc: County Executive Allan Kittleman
Councilmember Greg Fox
Councilmember Mary Kay Sigaty
Councilmember Jen Terrassa
Councilmember Jon Weinstein

Jessica Feldmark
Diane Wilson
Jahantab Siddiqui



Howard County

Internal Memorandum

Subject: Administrative testimony on Council Bill No. 51-2016

To: Lonnie R. Robbins
Chief Administrative Officer

From: Jennifer Sager
Legislative Coordinator

Date: July 13, 2016

There are many references in the County Code to actions being taken within a certain time period or within a certain number of days. These are actions taken by County residents and businesses such as filing certain appeals, applying for license exams, and paying certain fines. These references also apply to actions taking by the County, such as issuing decisions.

Council Bill No. 51-2016 has been proposed in order to clarify time periods stipulated in the County Code. The bill sets forth how to begin to compute a period of time. The day of the act or event is not included. The bill also sets forth how to compute the last day of period of time. If a designated time period ends on a weekend, holiday or any other day when county government does not operate for a full day, the deadline will automatically extend to the next full day. Having such a provision in our County Code is consistent with our neighboring jurisdictions and with the State of Maryland.

The bill provides significant benefit to residents by giving them clarity when things are due, such as when to file petitions, pay water and sewer bills, appeal zoning decisions, apply for licenses or pay fines for certain civil violations.

The bill will also clarify the deadlines for county government departments and agencies to complete work on a multitude of services including, without limitation, rendering decisions on zoning matters, issuing licenses and permits, publishing financial reports and disposing of unclaimed property.

There is no fiscal impact to this bill.