

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

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 11

Bill No. 52 -2011

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

AN ACT eliminating the Cemetery Preservation Advisory Board; making certain technical corrections; and generally relating to Boards and Commissions in Howard County.

Introduced and read first time _____, 2011. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, 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 _____, 2011.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2011 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2011 at ____ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved/Vetoed by the County Executive _____, 2011

Ken Ulman, 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
2 Howard County Code is amended as follows:

3
4 1. By repealing:

5 Title 6 – County Executive and the Executive Branch
6 Section 6.336 “Cemetery Preservation Advisory Board”

7
8 2. By repealing:

9 Title 16 - Planning, Zoning and Subdivisions and
10 Land Development Regulations
11 Section 16.1302 “Cemetery Preservation Advisory Board”

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13 3. By amending:

14 Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations
15 Section 16.1303 “Inventory of cemeteries”

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17 4. By amending:

18 Title 16 – Planning, Zoning and Subdivisions and Land Development Regulations
19 Section 16.1305 “Discovery of cemetery”

20
21 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

22 **Subtitle 13. Cemetery Preservation.**

23
24 **Section 16.1303. Inventory of cemeteries.**

25 (a) *Establishment of Inventory.* The Department of Planning and Zoning[[, in cooperation
26 with the Cemetery Preservation Advisory Board,]] shall propose, and the County Council
27 shall establish, an inventory of all known cemeteries in the County, together with a
28 description of the geographical location of each and a record of the owners of each burial
29 ground.

30 (b) *Maintenance of Cemetery Inventory Map.* The Department of Planning and Zoning
31 shall maintain a current map which depicts the location of all known cemeteries in the
32 County based on the above inventory.

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Section 16.1305. Discovery of cemetery.

(a) *Discovery.* If any person discovers the existence of previously unknown human remains, tombstones, funerary objects, or other evidence of a cemetery which reasonably indicates the presence of a cemetery in the course of grading, construction or work of any kind, that person shall stop work immediately in the discovered area and shall give notice of its discovery within 24 hours to the State's attorney, the County Health Officer, the Department of Planning and Zoning, the Department of Public Works, and the Department of Inspections, Licenses and Permits. All permits issued by the Department of Inspections, Licenses and Permits relating to the discovered area shall be suspended and the property owner shall stop all work in the discovered area until a determination is made pursuant to subsection (b) of this section.

(b) *Determination.* The Department Planning and Zoning[, in consultation with the Cemetery Preservation Advisory Board,] shall determine if the discovered area provided in subsection (a) [[above]] OF THIS SECTION is a cemetery. In making this determination, the Department of Planning and Zoning[, in consultation with the cemetery preservation advisory board,] may require the property owner to comply with subsection 16.1304(a)(2) and (3) OF THIS SUBTITLE. If it is determined that the area is not a cemetery, the stop-work order shall be lifted and the suspended permits released by the Department of Inspections, Licenses and Permits.

(c) *Cemetery protection.* If it is determined that the discovered area is a cemetery, the property owner shall comply with the requirements of section 16.1304 of this subtitle. However, the Department of Planning and Zoning[, in consultation with the Cemetery Preservation Advisory Board,] may waive these requirements in a discovery situation, on a case-by-case basis, based on the criteria for waivers of the subdivision regulations contained in section [[6.104]] 16.104 of [[the Howard County]] THIS Code.

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.