

Introduced October 3, 2011
Public Hearing October 17, 2011
Council Action November 7, 2011
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 October 3, 2011. Ordered posted and hearing scheduled.

By order Stephen LeGendre
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 October 17, 2011.

Withdrawn November 7, 2011
By order Stephen LeGendre
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”*

12
13 3. *By amending:*

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

16
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.

1

2 **Section 16.1305. Discovery of cemetery.**

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

13 (b) *Determination.* The Department Planning and Zoning[[, in consultation with the
14 Cemetery Preservation Advisory Board,]] shall determine if the discovered area provided
15 in subsection (a) [[above]] OF THIS SECTION is a cemetery. In making this determination,
16 the Department of Planning and Zoning[[, in consultation with the cemetery preservation
17 advisory board,]] may require the property owner to comply with subsection
18 16.1304(a)(2) and (3) OF THIS SUBTITLE. If it is determined that the area is not a cemetery,
19 the stop-work order shall be lifted and the suspended permits released by the Department
20 of Inspections, Licenses and Permits.

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

27

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



Howard County

Internal Memorandum

Subject: *Testimony for Council Bill _____ -2011 to eliminate the Cemetery Preservation Advisory Board*

To: *Lonnie Robbins
Chief Administrative Officer*

From: *Marsha McLaughlin, Director
Department of Planning and Zoning*

Date: *September 21, 2011*

The Department of Planning and Zoning recommends adoption of Council Bill _____ - 2011, which proposes to eliminate the Cemetery Preservation Advisory Board (the "Board"). The Board was instrumental in helping DPZ to develop an inventory of all County cemeteries. However, few cemeteries and burial grounds were discovered in recent years so the tasks of the Board can now be effectively accomplished by the Department of Planning and Zoning.

The Board's function in fostering preservation of cemeteries and burial grounds in Howard County is performed in an advisory capacity to the Department of Planning and Zoning which makes the final decision. Cemetery preservation is achieved through the procedures established in the Subdivision and Land Development Regulations wherein the Department of Planning and Zoning, in conjunction with the Planning Board, ensures the accommodation of cemeteries in the development process in terms of placing the cemetery in a non-buildable lot with a cemetery designation, establishing use and structure setbacks from the cemetery and providing public access to the cemetery.

The Department of Planning and Zoning would continue to maintain the cemetery inventory and the Department, together with the Planning Board, would ensure the accommodation of cemeteries in the development process.

There are no fiscal impacts associated with adoption of this legislation.

cc: *Jessica Feldmark, Chief of Staff
Jennifer Sager, Legislative Coordinator*



Howard County

Internal Memorandum

Subject: Withdrawal of Council Bill No. 52-2011

To: Calvin B. Ball,
County Council Chairperson

From: Lonnie R. Robbins
Chief Administrative Officer

Date: October 24, 2011

The Administration requests that Council Bill No. 52-2011 be withdrawn.

If you have any questions about this matter, please contact David Nitkin at extension 2013.

Thank you.

cc: Margaret Ann Nolan

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