

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

County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. 6

Bill No. 20 -2019

Introduced by: Liz Walsh

Co-sponsored by: Chairperson at the request of the County Executive,
Christiana Mercer Rigby, Opel Jones, and Deb Jung

AN ACT extending the Effective Period of the temporary prohibition on the issuance of certain permits and certain approvals of development plans and zoning changes for property that drains wholly or partly to the Tiber Branch Watershed or the Plumtree Branch Watershed in Howard County that was imposed by Council Bill 56-2018; and declaring this to be an emergency bill.

Introduced and read first time _____, 2019. 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 _____, 2019.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2019 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 _____, 2019 at ____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2019

Calvin Ball, 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 **WHEREAS** after the Tiber Branch Watershed and the Plumtree Branch Watershed suffered
2 devastating flooding twice in the span of twenty-two months—resulting in the loss of human life
3 in Historic Ellicott City—the County Council passed CB56-2018 (the “Watershed Safety Act”),
4 which the County Executive subsequently signed, effective July 27, 2018;

5
6 **WHEREAS** the initial term of the “Effective Period” of the Watershed Safety Act is twelve
7 months, through July 26, 2019;

8
9 **WHEREAS** during the Effective Period, the purpose of the Watershed Safety Act is to protect
10 the public health, safety, and welfare in both the Tiber Branch Watershed and the Plumtree
11 Branch Watershed from the threat of planned and future development of property that drains
12 wholly or partly to those watersheds;

13
14 **WHEREAS** during the Effective Period the Department of Planning and Zoning, the
15 Department of Public Works, and other appropriate units of County government must complete
16 certain studies, reports, and recommendations; such actions include but are not limited to: study
17 the extent to which existing, planned, and future development or redevelopment of property and
18 any other relevant factors may contribute to future flooding in either watershed; identify
19 potential public policy and private solutions; consider implementation of best practices; and
20 make recommendations to the County Council for changes in law and procedures to protect
21 public health, safety, and welfare in the Tiber Branch Watershed and the Plumtree Branch
22 Watershed;

23
24 **WHEREAS** during the Effective Period the County Council, having received such
25 recommendations, must study those recommendations and act on them so that any changes in
26 law and procedures to protect public health, safety, and welfare in the Tiber Branch Watershed
27 and the Plumtree Branch Watershed may be drafted, introduced, subject to public hearing,
28 enacted, and made effective before the Effective Period lapses;

29
30 **WHEREAS**, during the Effective Period, due to the potential that zoning changes may be
31 necessary in the Tiber Branch Watershed or the Plumtree Branch Watershed in response to the

1 studies, reports, and recommendations mandated by the Watershed Safety Act, it is imperative
2 that the County Council also have time to consider, share with the public, and act on any
3 recommendation concerning zoning changes in the Tiber Branch Watershed or the Plumtree
4 Branch Watershed; and

5
6 **WHEREAS**, because the County Council may not have sufficient time to undertake its certain
7 mandates pursuant to the Watershed Safety Act within the initial term of the Effective Period of
8 that Act, the County Council wishes to extend the Effective Period by an additional three
9 months.

10

11 **NOW THEREFORE,**

12

13 *Section 1. Be It Enacted by the County Council of Howard County, Maryland that this Act is an*
14 *interim measure which shall extend the Effective Period of the Watershed Safety Act for an*
15 *additional three months, and, at the end of the day on the final day of the extended Effective*
16 *Period, with no further action required by the County Council, the Watershed Safety Act shall be*
17 *abrogated and of no further force and effect unless that Act is further modified, extended,*
18 *replaced, or terminated through a subsequent legislative act of the Council.*

19

20 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that*
21 *all other terms of the Watershed Safety Act, other than the duration of the initial Effective Period*
22 *extended by this Act, shall remain in full force and effect without interruption through the*
23 *extended Effective Period.*

24

25 *Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that*
26 *this Act shall prevail if there is a conflict between this Act and other applicable law; and*

27

28 *Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland that*
29 *this Act is adopted as an emergency measure to address an immediate emergency affecting*
30 *public health, safety, or welfare and having been passed by two-thirds of its members, this Act*
31 *shall be effective immediately upon its enactment.*