

Introduced	<u>5/6/19</u>
Public Hearing	<u>5/20/19</u>
Council Action	<u>6/3/19</u>
Executive Action	<u>6/12/19</u>
Effective Date	<u>6/12/19</u>

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 May 6, 2019. 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 May 20, 2019.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

This Bill was read the third time on June 3, 2019 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 5th day of June, 2019 at 3 a.m./p.m.
 By order Jessica Feldmark
 Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive June 12, 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
21 that, except as provided in Section 3 of this Act, all other terms of the Watershed Safety Act,
22 other than the duration of the initial Effective Period extended by this Act, shall remain in full
23 force and effect without interruption through the extended Effective Period.*

24
25 ***Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland that
26 the Watershed Safety Act shall not apply to scheduling hearings provided that no approval
27 subject to the Act is granted during the Effective Period.*

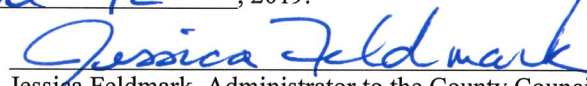
28
29 ***~~Section 3~~ Section 4. And Be It Further Enacted** by the County Council of Howard County,
30 Maryland that this Act shall prevail if there is a conflict between this Act and other applicable
31 law; and*

1 ~~Section 4~~ Section 5. *And Be It Further Enacted* by the County Council of Howard County,
2 Maryland that this Act is adopted as an emergency measure to address an immediate emergency
3 affecting public health, safety, or welfare and having been passed by two-thirds of its members,
4 this Act shall be effective immediately upon its enactment.

BY THE COUNCIL

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

June 12, 2019.



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 _____, 2019.

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 _____, 2019.

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 _____, 2019.

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 _____, 2019.

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 _____, 2019.

Jessica Feldmark, Administrator to the County Council