

Amendment 1 to Council Bill No. 66-2019

BY: The Chairperson

Legislative Day No. 14

Date: December 2, 2019

Amendment No. 1

(This Amendment makes additional technical corrections.)

1 On page 1, line 20, insert:

2 “Title 2, Administrative Procedure”

3 Footnotes”

4

5 On page 3, line 16, insert:

6 “Title 2. Administrative Procedure.

7 Subtitle 2. Rules of Procedure of the Board of Appeals.

8

9 **Footnotes:**

10 --- (2) ---

11 **Editor's note**— C.B. 115, 1981, repealed and reenacted subtitle 2 to read as set out in §§
12 2.200—2.218. Formerly, subtitle 2, §§ 2.200—2.220, was derived from C.B.'s 22, 1969; 105,
13 1980; 113, 1980. Subsequently, subtitle 2 was amended by C.B. 95, 1989 to read as set out in §§
14 2.200—2.213. It had been further amended by C.B.'s 18, 1987, and 67, 1988.

15 **State Law reference**— Board of appeals, Ann. Code of Md. [[art. 25A, § 5(U)], LOCAL
16 GOVERNMENT ARTICLE, SECTION 10-305.”

17

18 On page 1, line 22, insert:

19 “Title 4, Contracts, Purchasing and Property

20 Footnotes”

ADOPTED December 2, 2019

FAILED

SIGNATURE

Diana J. Jones

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On page 3, line 25, after “Title 4. Contracts, Purchasing and Property.”, insert:

“Footnotes:

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State Law reference— *General authority relative to purchasing and property, Ann. Code of Md. [[art. 25A, § 5(B), (F)]], LOCAL GOVERNMENT ARTICLE, SECTIONS 10-310 AND 10-312.*”

On page 1, line 25, insert:

“Title 5, County Council”
Footnotes”

On page 4, line 20, insert:

“Title 5. County Council.
Subtitle 1. Compensation Review Commission.

Footnotes:

--- (1) ---

Editor's note— *Former sub. 1, §§ 5.100—5.104, related to the compensation review commission and was derived from C.B. 19, 1981. By the terms of the bill the Commission was terminated on April 30, 1982. The provisions of sub. 1 have, therefore, been deleted. Subsequently, C.B. 7, 1985, added a new sub. 1, §§ 5.100—5.104, relating to the same subject.*

State Law reference— *Authority to provide for County Council Compensation Review Commission, Ann. Code of Md. [[art. 25A, § 5(AA)]], LOCAL GOVERNMENT ARTICLE, SECTION 10-302.*”

On page 1, line 25, insert:

“Title 5, County Council”
Section 5.100. – “Establishment.””

1 On page 4, line 20, insert:

2 **“Sec. 5.100. - Establishment.**

3 There is hereby established a Compensation Review Commission pursuant to the authority of
4 [[article 25A, section 5(AA),]] THE LOCAL GOVERNMENT ARTICLE, SECTION 10-302 of the
5 Annotated Code of Maryland and the mandate of section 202(d) of the Howard County Charter.”

6

7 On page 1, line 25, insert:

8 *“Title 5, County Council”*

9 *Section 5.101. – “Purpose.””*

10

11 On page 4, line 20, insert:

12 **“Sec. 5.101. - Purpose.**

13 The Commission shall submit recommendations to the County Council relative to the
14 compensation and allowances to be paid to members of the County Council in accordance with
15 the provisions of [[article 25A, section 5(AA)]] THE LOCAL GOVERNMENT ARTICLE, SECTION 10-
16 302 of the Annotated Code of Maryland. The Commission shall also review the County
17 Executive's compensation and allowance and submit recommendations to the County Council
18 pursuant to subsection 302(e) of the Howard County Charter.”

19

20 On page 1, line 25, insert:

21 *“Title 8, Crimes and Misdemeanors*

22 *Section 8.900 – “Noise affecting residential areas.””*

23

24 On page 4, line 20, insert:

25 **“Title 8. Crimes and Misdemeanors.**

26 **Subtitle 9. Noise.**

27

28 **Sec. 8.900. - Noise affecting residential areas.**

29 (b) Noise Standards for Residential Areas as Receiving Property.

- 1 (1) Except as provided in paragraph (2) of this subsection and in subsection
2 (d) of this section, a person may not cause or permit noise levels
3 emanating from any property, such that the levels received on residential
4 property exceed the levels contained in [[table 2 of COMAR
5 26.02.03.03A.(1)]] TABLE 1 OF COMAR 26.02.03.02B.(1).
- 6 (2) A person may not cause or permit noise levels emanating from
7 construction or demolition-site activities that exceed:
- 8 (i) During daytime hours, 90 dBA; or
9 (ii) During nighttime hours, the levels specified in table [[2 of
10 COMAR 26.02.03.03A.(1)]] TABLE 1 OF COMAR 26.02.03.02B.(1).”

11
12 On page 1, line 25, insert:

13 *“Title 10, Elections and Election Districts*
14 *Section 10.200 – “Election districts.””*

15
16 On page 4, line 20, insert:

17 “Title 10. Elections and Election Districts.
18 Subtitle 2. Election Districts.

19
20 **Sec. 10.200. - Election districts.**

21 Pursuant to [[article 25A, subsection 5(h)]] SECTION 10-306 OF THE LOCAL GOVERNMENT
22 ARTICLE OF the Annotated Code of Maryland, Howard County is divided into six election
23 districts. The boundaries of the election districts are as follows:”

24
25 On page 1, line 25, insert:

26 *“Title 12, Health and Social Services.*
27 *Footnotes.”*

28
29 On page 4, line 20, insert:

1 "Title 12. Health and Social Services.

2
3 **Footnotes:**

4 --- (2) ---

5 **Editor's note**— Section 1 of C.B. 6, 1985, repealed former sub. 1, relating to the Board of
6 Health, §§ 12.100—12.119; and § 2 enacted a new sub. 1, §§ 12.100—12.112. Formerly, sub. 1
7 was derived from the following Council bills: 33, 1969; 5, 1970; 21, 1970; 47, 1972; 8, 1973;
8 17, 1981; 46, 1983.

9
10 **State Law reference**— Authority to legislate for public health purposes, Ann. Code of Md. [[art.
11 25A, § 5(J), (T), (Y)], LOCAL GOVERNMENT ARTICLE, SECTIONS 10-317, 10-327, 10-328.”

12
13 On page 1, line 25, insert:

14 "Title 12, Health and Social Services.”

15 Section 12.101. – “Board of Health.””

16
17 On page 4, line 20, insert:

18 "Subtitle 1. Health Code.

19
20 **Sec. 12.101. - Board of Health**

21 **Editor's note**— Section 101 of C.B. 62, 1988, declared the bill effective July 1, 1989.

22
23 **State Law reference**— Local boards of health authorized, [[Ann. Code of Md. art. 25A, § 5(Y);
24 local boards of health,]]ANN. CODE OF MD., LOCAL GOVERNMENT ARTICLE, SECTION 10-327,
25 Ann. Code of Md., Health-General article, § 3-201 et seq.”

26
27 On page 1, line 25, insert:

28 "Title 12, Health and Social Services.”

29 Section 12.110. – “Nuisances.””

1 On page 4, line 20, insert:

2
3 **“Sec. 12.110. - Nuisances.**

4 **State Law reference**— General power relative to nuisances, Ann. Code of Md. [[art. 25A, §
5 5(J)], LOCAL GOVERNMENT ARTICLE, SECTION 10-328; nuisance control, Ann. Code of Md.,
6 Environment article, § 10-101 et seq.”

7
8 On page 3, line 4, insert:

9 *“Title 14, Licenses, Permits and Inspections*
10 *Section 14.405 – “Franchisee subject to other laws, police power.””*

11
12 On page 4, line 20, insert:

13 *“Title 14. Licenses, Permits and Inspections.*
14 *Subtitle 4. Howard County Cable Television Systems Franchise Act.*

15
16 **Sec. 14.405. - Franchisee subject to other laws, police power.**

- 17 (a) A franchisee is subject to and shall comply with all applicable local, County, State and
18 Federal laws, ordinances, codes, rules, regulations and orders. A franchisee is also subject
19 to the County's police power in accordance with [[article 25A subsection 5(s)]] SECTION
20 10-206 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of Maryland.
- 21 (b) Any other provision in the Howard County Code concerning the grant of franchises does
22 not apply to the grant of franchises for the construction and operation of cable systems.
- 23 (c) A franchisee or other person may not be excused from complying with any of the terms
24 and conditions of this subtitle or a franchise agreement by any failure of the County, upon
25 one or more occasions, to require compliance or performance.”

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27
28 On page 3, line 4, insert:

29 *“Title 16, Planning, Zoning and Subdivisions and Land Development Regulations.*

1 *Footnotes.*”

2
3 On page 8, line 9, insert:

4 “Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.
5 Subtitle 3. Board of Appeals.

6
7 ***Footnotes:***

8 --- (4) ---

9 ***Editor's note***— C.B. 94, 1989 amended subtitle 3 to read as set out in §§ 16.300—16.303. The
10 subtitle formerly consisted of §§ 16.300—16.306 and was derived from
11 C.B.'s 1, 1969; 38, 1973; 3, 1974; 105, 1980; 72, 1981; 4, 1986; 18, 1987;
12 34, 1987; 67, 1988; 69, 1988. C.B. 49, 2001, § 1, amended § 16.301, and
13 amended and renumbered §§ 16.302 and 16.303, specifically renumbered
14 as §§ 16.307 and 16.308 to accommodate new §§ 16.302—16.306.

15 ***Cross reference***— Forest conservation, appeals, § 16.1214.

16 ***State Law reference***— Board of appeals, Ann. Code of Md. [[art. 25A, § 5(U)]] , LOCAL
17 GOVERNMENT ARTICLE, SECTION 10-305.”

18
19 On page 3, line 4, insert:

20 “Title 16, Planning, Zoning and Subdivisions and Land Development Regulations.
21 Section 16.600. – “Historic Preservation Commission. ””

22
23 On page 8, line 9, insert:

24 “Subtitle 6. Historic Preservation Commission.

25
26 **Sec. 16.600. - Purpose.**

27 The regulations set forth in this subtitle are adopted pursuant to the authority of [[article
28 25A,]] THE Local Government Article, section 10-325 of the Annotated Code of Maryland 2013,
29 as amended, to regulate construction, alteration, reconstruction, moving and demolition of

1 structures of historic, architectural, and archeological value, together with their appurtenances
2 and environmental settings within respective specified limits. These regulations are designed to
3 safeguard the heritage of the County by preserving districts herein which reflect elements of its
4 cultural, social, economic, political or architectural history; to stabilize and improve the property
5 values in such districts in the County; to foster civic beauty; to strengthen the local economy; and
6 to promote the use and preservation of such historic districts in the County for the education,
7 welfare and pleasure of the residents of the County.

8 These regulations are also intended to promote the preservation of the County's historic
9 resources by establishing the Historic Preservation Commission, which shall be the steward of
10 the historic preservation plan and serve as a resource available to provide advice and counsel to
11 Howard County agencies, Boards, Commissions, and property owners regarding historic sites,
12 either within or outside the boundaries of historic districts.”

13
14 On page 3, line 4, insert:

15 *“Title 16, Planning, Zoning and Subdivisions and Land Development Regulations.*
16 *Section 16.1201(u). – “Definitions.””*

17
18 On page 8, line 9, insert:

19 *“Subtitle 12. Forest Conservation.*

20
21 **Sec. 16.1201. - Definitions.**

22 (u) Other terms which are defined in the Natural Resources Article section 5-1601,
23 "Definitions," Annotated Code of Maryland, COMAR 08.19.01.03, "Definitions,"
24 and COMAR [[08.19.03]] 08.19.03.01, article II, "Forest and Tree Conservation
25 Definitions," are incorporated by reference and shall apply to this subtitle for any
26 terms which are not defined in this section or the Manual.”

27
28 On page 3, line 12, insert:

29 *“Title 19, Recreation and Parks.*

1 *Footnotes.*”

2

3 On page 8, line 26, insert:

4

 “Title 19. Recreation and Parks.

5

6 ***Footnotes:***

7 --- (1) ---

8 ***State Law reference— County powers relative to recreation and parks, Ann. Code of Md. [[art.***
9 ***25A, § 5(V)]]***, *LOCAL GOVERNMENT ARTICLE, TITLE 19.*”

10

11 On page 1, line 25, insert:

12

 “Title 20, Taxes, Charges, and Fees

13

Sec. 20.129G(a)(2). – “*Property tax credit for real property owned by certain 9-1-1 Public*
14 *Safety Telecommunicators.*””

15

16 On page 4, line 20, insert:

17

 “Title 20. Taxes, Charges, and Fees.

18

 Subtitle 1. Real Property Tax; Administration, Credits, and Enforcement.

19

20 **Sec. 20.129G. - Property tax credit for real property owned by certain 9-1-1 Public Safety**
21 **Telecommunicators.**

22 (a) Definitions. In this section, the following terms have the meanings indicated:

23 (1) Dwelling has the meaning set forth in section 9-105 of the Tax-Property Article of the
24 Annotated Code of Maryland.

25 (2) 9-1-1 Public Safety Telecommunicator has the meaning set forth in section [[9-261]]
26 9-262 of the Tax-Property Article of the Annotated Code of Maryland.”

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28 On page 9, line 29, insert:

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 “Title 24. Civil Penalties.

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Footnotes:

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State Law reference— *Civil penalties authorized, Ann. Code of Md. [[art. 25A, § 5(A)(5)]]*
, LOCAL GOVERNMENT ARTICLE, SECTION 10-202(B).”

On page 3, line 16, insert:

“Title 24, Civil Penalties.

Section 24.100. – “Purpose.””

On page 9, line 29, insert:

“Subtitle 1. Civil Fines and Procedures.

Sec. 24.100. - Purpose.

This subtitle implements the authority contained in [[article 25A]] LOCAL GOVERNMENT
ARTICLE of the Annotated Code of Maryland to provide for the enforcement of County laws and
regulations by civil fines.”

On page 3, line 16, insert:

“Title 28, Downtown Columbia.

Sec. 28.100. – “Legal authority, findings, purpose, and legislative intent.”

Title 28, Downtown Columbia.

Sec. 28.103. – “Downtown Columbia Partnership established.”

Title 28, Downtown Columbia.

Sec. 28.104. – “Charter provisions inapplicable.”

Title 28, Downtown Columbia.

1 *Sec. 28.119. – “Procurement.”*

2
3 On page 9, line 29, insert:

4 “Title 28. Downtown Columbia.

5 Subtitle 1. Downtown Columbia Partnership.

6
7 **Sec. 28.100. - Legal authority, findings, purpose, and legislative intent.**

8 (a) *Authority.* This subtitle is enacted in accordance with [[Article 25A, § 5(FF) of the
9 Maryland Code]] SECTION 10-315 OF THE LOCAL GOVERNMENT ARTICLE OF THE
10 ANNOTATED CODE OF MARYLAND and the Downtown Columbia Plan, a general plan
11 amendment.

12
13 **Sec. 28.103. - Downtown Columbia Partnership established.**

14 (a) *Established.* There is a Downtown Columbia Partnership.

15 (b) *Status.* The Downtown Columbia Partnership:

16 (1) Is an independent entity that is not within the executive or legislative branches of
17 County Government;

18 (2) Is a public instrumentality of the County;

19 (3) Is the commercial district management authority for Downtown Columbia;

20 (4) May exercise its powers to the extent not inconsistent with [[Article 25A, Section
21 5(FF) of the Maryland Code]] SECTION 10-315 OF THE LOCAL GOVERNMENT ARTICLE
22 OF THE ANNOTATED CODE OF MARYLAND or this title; and

23 (5) Performs tasks of benefit to the Downtown Columbia Management District.

24
25 **Sec. 28.104. - Charter provisions inapplicable.**

26 In accordance with the authority granted to the County by [[Article 25A, § 5(FF)]] SECTION
27 10-315 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of Maryland provisions of
28 the Howard County Charter that are inconsistent with this subtitle are inapplicable to the
29 Downtown Columbia Partnership.

1
2 **Sec. 28.119. - Procurement.**

3 (a) *In General.* Except as otherwise provided in [[Article 25a, Section 5(ff) of the Maryland
4 Code]] SECTION 10-315 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE
5 OF MARYLAND, the Downtown Columbia Partnership is not subject to the County
6 Purchasing Code.”
7

8 On the title pages of the attached Howard County Code:

- 9 • After “Howard County Officials”, strike “(2015)” and insert “(2019)”
- 10 • After “County Council”, strike all of the names of the officials and insert:
 - 11 ○ “Christiana Mercer Rigby, Chairperson”
 - 12 ○ “Opel Jones, Vice Chairperson”
 - 13 ○ “Deb Jung, Councilmember”
 - 14 ○ “Liz Walsh, Councilmember”
 - 15 ○ “David Yungmann, Councilmember”
 - 16 ○ “Diane Schwartz Jones, Administrator to the Council”
- 17 • After “Executive”:
 - 18 ○ Strike “Allan H. Kittleman, and insert “Calvin Ball”
 - 19 ○ Strike “John R. Byrd” and insert “Raul Delerme”
 - 20 ○ Strike “John Butler”, and insert “Christine M. Uhlhorn”
 - 21 ○ Strike “Stanley J. Milesky”, and inset “Janet R. Irvin”
 - 22 ○ Strike “Valdis Lazdins, Director of Planning and Zoning” and insert “Amy
23 Gowan, Acting Director of Planning and Zoning”
 - 24 ○ Strike “Gary L. Gardner”, and insert “Lisa D. Meyers”
 - 25
 - 26