

Introduced November 4, 2019  
Public Hearing November 18, 2019  
Council Action December 2, 2019  
Executive Action December 16, 2019  
Effective Date February 5, 2020

## County Council of Howard County, Maryland

2019 Legislative Session


Legislative Day No. 13

### Bill No. 66 -2019


Introduced by: The Chairperson

**AN ACT** to legalize the 2019 Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and published by Municipal Code Corporation; to provide for the Code's periodic supplement; and to declare that the Code shall be the evidence of the public local laws of Howard County; and to make technical, non-substantive corrections to the Code.


Introduced and read first time November 4, 2019. Ordered posted and hearing scheduled.

By order   
Diane Schwartz Jones, Administrator

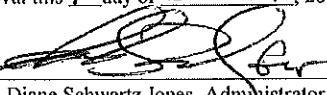
Having been posted and notice of time, & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 18, 2019.

By order   
Diane Schwartz Jones, Administrator


This Bill was read the third time on December 2 2019 and Passed , Passed with amendments , Failed .

By order   
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7<sup>th</sup> day of December, 2019 at 4<sup>30</sup> a.m./p.m.

By order   
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive December 6, 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**, Section 210(c) of the Howard County Charter requires the Howard County Council  
2 to provide for a compilation and codification of all public local laws of the County; and

3  
4 **WHEREAS**, by passage of Council Bill No. 15-1977, the Council adopted a codification of the  
5 public local laws, enacted by the Council pursuant to the Home Rule Amendment to the State  
6 Constitution and operating within Howard County; and

7  
8 **WHEREAS**, Council Bill No. 18-2009 (effective June 9, 2009) legalized the 2008 Edition of the  
9 Howard County Code; and

10  
11 **WHEREAS**, substantial changes have occurred in the local laws of Howard County since the  
12 last codification; and

13  
14 **WHEREAS**, the changes below in Section 1 of this bill reflects technical, non-substantive  
15 corrections to the Howard County Code.

16  
17 ***Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard***  
18 ***County Code is amended as follows:***

19 *By amending:*

20 *Title 2, Administrative Procedure*

21 *Footnotes*

22  
23 *Title 3, Buildings*

24 *Section 3.822 – “COMAR regulations”*

25  
26 *Title 4, Contracts, Purchasing and Property*

27 *Footnotes*

28  
29 *Title 4, Contracts, Purchasing and Property*

30 *Section 4.200 – “Acquisition of real property.”*

1 Title 5, County Council

2 Footnotes

3  
4 Title 5, County Council

5 Section 5.100. – “Establishment.”

6  
7 Title 5, County Council

8 Section 5.101. – “Purpose.”

9  
10 Title 8, Crimes and Misdemeanors

11 Section 8.900 – “Noise affecting residential areas.”

12  
13 Title 10, Elections and Election Districts

14 Section 10.200 – “Election districts.”

15  
16 Title 12, Health and Social Services.

17 Footnotes.

18  
19 Title 12, Health and Social Services.

20 Section 12.101. – “Board of Health.”

21  
22 Title 12, Health and Social Services.

23 Section 12.110. – “Nuisances.”

24  
25 Title 20, Taxes, Charges, and Fees

26 Sec. 20.129G(a)(2). – “Property tax credit for real property owned by certain 9-  
27 1-1 Public Safety Telecommunicators.”

28  
29 Title 13, Housing and Community Development

30 Section 13.704 – “Use of Funds.”

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*Title 13, Housing and Community Development*  
*Section 13.800 – “Definitions.”*  
*Subsection (h)*

*Title 13, Housing and Community Development*  
*Section 13.1106 - Public hearing; approval of project.*  
*Subsection (a)*

*Title 13, Housing and Community Development*  
*Section 13.1110 – “Bonds; how issued.”*

*Title 13, Housing and Community Development*  
*Section 13.1303 – “Definitions.”*  
*Subsections (f) and (g)(2)*

*Title 13, Housing and Community Development*  
*Section 13.1305 – “Composition; appointments; terms.”*  
*Subsection (a)(2)(i)*

*Title 13, Housing and Community Development*  
*Section 13.1307 – “Chairperson; liaison to the Housing and Community*  
*Development Board; staff; legal services.”*  
*Subsections (b) and (c)*

*Title 13, Housing and Community Development*  
*Section 13.1308 – “Voting; meetings.”*  
*Subsection (b)*

*Title 13, Housing and Community Development*

1                    *Section 13.1314 – “Rental and tenant selection.”*

2                    *Subsection (b)*

3  
4                    *Title 14, Licenses, Permits and Inspections*

5                    *Section 14.405 – “Franchisee subject to other laws, police power.”*

6  
7                    *Title 16, Planning, Zoning and Subdivisions and Land Development Regulations.*

8                    *Footnotes.*

9  
10                   *Title 16, Planning, Zoning and Subdivisions and Land Development Regulations.*

11                   *Section 16.600. – “Historic Preservation Commission.”*

12  
13                   *Title 16, Planning, Zoning and Subdivisions and Land Development Regulations.*

14                   *Section 16.1201(u). – “Definitions.”*

15  
16                   *Title 17, Public Protection Services*

17                   *Section 17.305B – “Tethers for dogs.”*

18                   *Subsection (c)*

19  
20                   *Title 17, Public Protection Services*

21                   *Section 17.1008 – “Required information.”*

22                   *Subsection (c)*

23  
24                   *Title 19, Recreation and Parks.*

25                   *Footnotes.*

26  
27                   *Title 20, Taxes, Charges, and Fees*

28                   *Section 20.121 – “Community associations.”*

29                   *Subsections (d) and (e)*

30

1 Title 24, Civil Penalties.

2 Section 24.100. – “Purpose.”

3  
4 Title 2, Administrative Procedure.

5 Subtitle 2, Rules of Procedure of the Board of Appeals.

6  
7 Title 28, Downtown Columbia.

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

9  
10 Title 28, Downtown Columbia.

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

12  
13 Title 28, Downtown Columbia.

14 Sec. 28.104. – “Charter provisions inapplicable.”

15  
16 Title 28, Downtown Columbia.

17 Sec. 28.119. – “Procurement.”

18  
19 **Footnotes:**

20 --- (2) ---

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

26 State Law reference— Board of appeals, Ann. Code of Md. [[art. 25A, § 5(U)]].

27 LOCAL GOVERNMENT ARTICLE, SECTION 10-305.

28  
29 **Title 3. Buildings.**

30 **Subtitle 8. On-Site Sewage Disposal Systems.**

1  
2 **Sec. 3.822. - COMAR regulations.**

3 This subtitle shall not be construed to repeal or affect any powers of the State of  
4 Maryland State Department of the Environment under the provisions of the [[health-environment  
5 article]] ENVIRONMENT ARTICLE of the Annotated Code of Maryland or COMAR.  
6

7 **Title 4. Contracts, Purchasing and Property.**

8  
9 **Footnotes:**

10 --- (1) ---

11 **State Law reference**— General authority relative to purchasing and property,  
12 Ann. Code of Md. [[art. 25A, § 5(B), (F)]], LOCAL GOVERNMENT ARTICLE,  
13 SECTIONS 10-310 AND 10-312.  
14

15 **Subtitle 2. Real Property.**

16  
17 **Sec. 4.200. - Acquisition of real property.**

18 The County Executive is authorized to acquire, by purchase, gift or lease for public  
19 purposes, as such purposes are set forth in any capital improvement expenditure appropriation  
20 ordinance, the fee simple or leasehold or such other interest as the County Executive may deem  
21 to be necessary or desirable in any real property located within the County, including any or all  
22 property rights, interest, easements or franchises in the same. If the County Executive is unable  
23 to agree with the owner or owners on the purchase price of such property or interest therein, he  
24 shall thereupon request the County Council to authorize and direct the office of law to institute,  
25 in the name of the County, the necessary legal action to acquire by condemnation the real  
26 property or any interest therein. No resolution authorizing and directing the condemnation of any  
27 interest in real property shall be adopted by the Council until after the owner or owners of the  
28 subject real property shall have had an opportunity to be heard by the Council in open hearing  
29 after due notice. A public hearing held pursuant to this section shall be limited to the question of  
30 necessity for the taking and no issue of value of the land which is the subject of the

1 condemnation proceeding can be raised. No real property or interest therein shall be purchased,  
2 by condemnation or otherwise, unless funds for the same shall have been included in the capital  
3 budget, the award of a condemnation jury notwithstanding. All such purchases herein provided  
4 for shall be accomplished in accordance with budgetary procedures as described in the Howard  
5 County Charter. All necessary legal proceedings shall be accomplished in accordance with  
6 [[article 21 of the Code of Public General Laws of Maryland and the rules of court adopted  
7 pursuant thereto]] TITLE 12 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF  
8 MARYLAND AND OF TITLE 12, CHAPTER 200 OF THE MARYLAND RULES.

9  
10 Title 5. County Council.

11 Subtitle 1. Compensation Review Commission.

12  
13 **Footnotes:**

14 **--- (1) ---**

15 **Editor's note**— Former sub. 1, §§ 5.100—5.104, related to the compensation review  
16 commission and was derived from C.B. 19, 1981. By the terms of the bill the Commission was  
17 terminated on April 30, 1982. The provisions of sub. 1 have, therefore, been deleted.

18 Subsequently, C.B. 7, 1985, added a new sub. 1, §§ 5.100—5.104, relating to the same subject.

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

22  
23 **Sec. 5.100. - Establishment.**

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

28  
29 **Sec. 5.101. - Purpose.**

30 The Commission shall submit recommendations to the County Council relative to the



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

6  
7 **Title 8. Crimes and Misdemeanors.**

8 **Subtitle 9. Noise.**

9  
10 **Sec. 8.900. - Noise affecting residential areas.**

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

12 (1) Except as provided in paragraph (2) of this subsection and in  
13 subsection (d) of this section, a person may not cause or permit noise levels emanating from any  
14 property, such that the levels received on residential property exceed the levels contained in  
15 [[table 2 of COMAR 26.02.03.03A.(1)]] TABLE 1 OF COMAR 26.02.03.02B.(1).

16 (2) A person may not cause or permit noise levels emanating from  
17 construction or demolition-site activities that exceed:

18 (i) During daytime hours, 90 dBA; or

19 (ii) During nighttime hours, the levels specified in table [[2 of  
20 COMAR 26.02.03.03A.(1)]] TABLE 1 OF COMAR 26.02.03.02B.(1).

21  
22 **Title 10. Elections and Election Districts.**

23 **Subtitle 2. Election Districts.**

24  
25 **Sec. 10.200. - Election districts.**

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

29  
30 **Title 12. Health and Social Services.**

1  
2 **Footnotes:**

3 --- (2) ---

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

8  
9 **State Law reference**— Authority to legislate for public health purposes, Ann. Code of Md. [[art.  
10 25A, § 5(J), (T), (Y)]], LOCAL GOVERNMENT ARTICLE, SECTIONS 10-317, 10-327, 10-  
11 328.

12  
13 **Subtitle 1. Health Code.**

14  
15 **Sec. 12.101. - Board of Health**

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

17  
18 **State Law reference**— Local boards of health authorized, [[Ann. Code of Md. art. 25A, § 5(Y);  
19 local boards of health,]]ANN. CODE OF MD., LOCAL GOVERNMENT ARTICLE, SECTION  
20 10-327, Ann. Code of Md., Health-General article, § 3-201 et seq.

21  
22 **Sec. 12.110. - Nuisances.**

23 **State Law reference**— General power relative to nuisances, Ann. Code of Md. [[art. 25A, §  
24 5(J)]], LOCAL GOVERNMENT ARTICLE, SECTION 10-328; nuisance control, Ann. Code of  
25 Md., Environment article, § 10-101 et seq.

26  
27 **Title 14. Licenses, Permits and Inspections.**

28 **Subtitle 4. Howard County Cable Television Systems Franchise Act.**

29  
30 **Sec. 14.405. - Franchisee subject to other laws, police power.**



- 1 (b) Electrical inspection fees imposed under [[subsections 3.215(h) and (i)]] SECTION  
2 3.222 of this Code;
- 3 (c) Plumbing, gasfitting and on-site utility permit fees imposed under [[subsection  
4 3.305(k)]] SECTION 3.305(j) of this Code;
- 5 (d) Grading permit fees imposed under [[subsection]] SECTION 3.404(c) of this Code;
- 6 (e) Water and sewer connection charges imposed under section [[20.308]] 20.608 of  
7 this Code;
- 8 (f) Water and sewer in-aid-of construction charges imposed under section [[20.311]]  
9 20.611 of this Code; and
- 10 (g) The building excise tax imposed under [[subtitle 11 of title 20 of the Howard  
11 County Code]] TITLE 20, SUBTITLE 5 OF THIS CODE.
- 12

13 **Subtitle 8. Rental Housing Development Program.**

14

15 **Sec. 13.800. - Definitions.**

16 **In this subtitle the following words have the meanings indicated:**

- 17 (h) Imputed income limitation means the income limitation that would apply under  
18 subsection [[13.807(a)]] 13.807(B) to a household of low or moderate income if  
19 the number of individuals in the household were as follows:(1)In case of a unit  
20 that does not have a separate bedroom, one individual; or(2)In the case of a unit  
21 that has one or more separate bedrooms, 1.5 individuals for each separate  
22 bedroom.
- 23

24 **Subtitle 11. Urban Renewal.**

25

26 **Sec. 13.1106. - Public hearing; approval of project.**

27 Prior to final approval of an urban renewal project, the County Council shall:

- 28 (a) Submit the plans to the [[Office of Planning and Zoning]] PLANNING COMMISSION, for  
29 its review and recommendations only. The [[Office of Planning and Zoning's]]

1 PLANNING COMMISSION'S recommendations shall be submitted within 60 days after  
2 receipt of the plans.

3  
4  
5 **Sec. 13.1110. - Bonds; how issued.**

6 Both the revenue bonds and general obligation serial bonds issued under this subtitle  
7 shall be authorized by resolution of the County Council for Howard County and may be issued in  
8 one or more series and shall bear such date or dates, be payable upon demand or mature at such  
9 time or times, bear interest at such rate or rates, NOT EXCEEDING SIX PER CENTUM PER ANNUM, be  
10 in such denomination or denominations, be in such form, either with or without coupon or  
11 registered, carry on such conversion or registration privileges, have such rank or priority, be  
12 executed in such manner, be payable in such medium of payment, at such place or places, and be  
13 subject to such terms of redemption (with or without premium), be secured in such manner, and  
14 have such other characteristics, as may be provided by such resolution or trust indenture or  
15 mortgage issued pursuant thereto. Such bonds shall not be subject to the provisions of sections 9,  
16 10 and 11 of article 31, Maryland Code, 1957 Edition, as amended.

17  
18 **Subtitle 13. Howard County Housing Commission Articles of Organization.**

19  
20 **Sec. 13.1303. - Definitions.**

21 The terms used in this subtitle shall have the meanings indicated in this section.

22 (f) *Housing authorities law* means [[article 44A of the Annotated Code of  
23 Maryland]] TITLE 12 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE  
24 ANNOTATED CODE OF MARYLAND, as amended.

25 (g) *Housing development* means any work or undertaking:

- 26 (2) To provide decent, safe, and sanitary living accommodations for  
27 persons of eligible income and, to the extent authorized in  
28 accordance with subsection [[13.1012(p)]] 13.1312(p) of this  
29 subtitle, for other persons; such work or undertaking, or portion  
30 thereof, may include buildings, land, equipment, facilities, and

1 other real or personal property for necessary, convenient, or  
2 desirable appurtenances, streets, sewers, water service, parks, site  
3 preparation, gardening, administrative, community, health,  
4 recreational, educational, welfare, or other purposes; or  
5

6 **Sec. 13.1305. - Composition; appointments; terms.**

7 (a) *Appointment:*

8 (2) *Nonvoting Commissioner:*

9 (i) The Commission shall have an additional nonvoting Commissioner  
10 who shall be a member of the Housing and Community  
11 Development Board selected in accordance with subsection  
12 ~~[[13.501(d)]]~~ 13.201(D) of this Code.  
13

14 **Sec. 13.1307. - Chairperson; liaison to the Housing and Community Development Board;**  
15 **staff; legal services.**

16 (b) *Liaison to the Housing and Community Development Board.* By majority vote of  
17 all Commissioners, the Commission shall annually select from among its  
18 Commissioners a liaison to the Housing and Community Development Board who  
19 shall serve as a nonvoting ex officio member of the Housing and Community  
20 Development Board in accordance with subsection ~~[[13.501(c)(2)]]~~ 13.201(D) of  
21 this Code.

22 (c) *Employment of Staff.* Subject to section ~~[[13.1017]]~~ 13.1317 of this subtitle, the  
23 Commission may employ an Executive Director, technical experts and other  
24 officers, agents and employees, permanent and temporary, and shall determine  
25 their qualifications, duties and compensation.  
26

27 **Sec. 13.1308. - Voting; meetings.**

28 (b) *Open Meetings.* The Commission shall meet in open session as required by the  
29 Open Meetings ~~[[Law, section 10-501 et seq. of the State Government]]~~ ACT  
30 FOUND IN TITLE 3 OF THE GENERAL PROVISIONS Article of the Annotated Code of

1 Maryland, as amended. Agendas shall be made available at least five business  
2 days prior to the meeting in an electronic medium readily available to the public.  
3 Minutes of open meetings shall be made available as soon as practicable in at  
4 least one electronic medium readily available to the public.  
5

6 **Sec. 13.1314. - Rental and tenant selection.**

7 (b) Exception Regarding Income of Tenants. The requirements of subsection (a) of  
8 this section may not apply to those rental units not required to be occupied by  
9 persons of eligible income under subsection [[13.1012(p)]] 13.1312(p) of this  
10 subtitle.  
11

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

13 **Subtitle 3. Board of Appeals.**

14  
15 **Footnotes:**

16 **--- (4) ---**

17 **Editor's note—** C.B. 94, 1989 amended subtitle 3 to read as set out in §§ 16.300—16.303. The  
18 subtitle formerly consisted of §§ 16.300—16.306 and was derived from C.B.'s 1, 1969; 38,  
19 1973; 3, 1974; 105, 1980; 72, 1981; 4, 1986; 18, 1987; 34, 1987; 67, 1988; 69, 1988. C.B.  
20 49, 2001, § 1, amended § 16.301, and amended and renumbered §§ 16.302 and 16.303,  
21 specifically renumbered as §§ 16.307 and 16.308 to accommodate new §§ 16.302—16.306.

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

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

25  
26 **Subtitle 6. Historic Preservation Commission.**

27  
28 **Sec. 16.600. - Purpose.**

29 The regulations set forth in this subtitle are adopted pursuant to the authority of [[article  
30 25A,]] THE Local Government Article, section 10-325 of the Annotated Code of Maryland

1 2013, as amended, to regulate construction, alteration, reconstruction, moving and demolition of  
2 structures of historic, architectural, and archeological value, together with their appurtenances  
3 and environmental settings within respective specified limits. These regulations are designed to  
4 safeguard the heritage of the County by preserving districts herein which reflect elements of its  
5 cultural, social, economic, political or architectural history; to stabilize and improve the property  
6 values in such districts in the County; to foster civic beauty; to strengthen the local economy; and  
7 to promote the use and preservation of such historic districts in the County for the education,  
8 welfare and pleasure of the residents of the County.

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

## 14

### 15 **Subtitle 12. Forest Conservation.**

## 16

#### 17 **Sec. 16.1201. - Definitions.**

18 (u) Other terms which are defined in the Natural Resources Article section 5-  
19 1601, "Definitions," Annotated Code of Maryland, COMAR 08.19.01.03, "Definitions,"  
20 and COMAR [[08.19.03]] 08.19.03.01, article II, "Forest and Tree Conservation Definitions,"  
21 are incorporated by reference and shall apply to this subtitle for any terms which are not defined  
22 in this section or the Manual.

## 23

### 24 **Title 17. Public Protection Services.**

#### 25 **Subtitle 3. Animals.**

## 26

#### 27 **Sec. 17.305B. - Tethers for dogs.**

28 (c) *Generally prohibited.* Except as otherwise provided in subsection [[(c)]] (D) of  
29 this subsection, an owner may not keep a dog on a tether.





1 notify the Applicant of his decision at the address set forth in the application. Decisions of the  
2 Director of Finance relating to this section shall be appealable to the Board of Appeals within 30  
3 days pursuant to the provisions of article V of the Howard County Charter and title 2 of this  
4 Code. Applications shall be received by the Director of Finance not later than October 1 of the  
5 taxable year for which the credit is claimed. This credit may apply only to taxes which initially  
6 accrue on or after July 1, 1977.

7 (e) *Annual Reports.* Each community association granted a tax credit pursuant to this  
8 section shall file annually with the Director of Finance a report confirming that it is a community  
9 association and that the property for which the tax credit was originally granted continues to  
10 comply with the requirements of paragraph (b) of this section. Such reports shall be submitted on  
11 forms prepared and furnished by the Director of Finance and shall contain a declaration  
12 preceding the signature of the authorized representative of the Applicant that such report is made  
13 under ~~[[Article 24, § 1-105]]~~ § 20-102 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated  
14 Code of Maryland. Such report shall be received by the Director of Finance not later than  
15 October 1 of each taxable year for which the tax credit to any community association shall be  
16 continued.

## 17 **Title 24. Civil Penalties.**

### 18 **Footnotes:**

19 **-- (1) ---**

20 **State Law reference—** Civil penalties authorized, Ann. Code of Md. ~~[[art. 25A, §~~  
21 ~~5(A)(5)]]~~, LOCAL GOVERNMENT ARTICLE, SECTION 10-202(B).  
22

## 23 **Subtitle 1. Civil Fines and Procedures.**

### 24 **Sec. 24.100. - Purpose.**

25 This subtitle implements the authority contained in [[article 25A]] LOCAL  
26 GOVERNMENT ARTICLE of the Annotated Code of Maryland to provide for the enforcement  
27 of County laws and regulations by civil fines.  
28  
29  
30

1 Title 28. Downtown Columbia.

2 Subtitle 1. Downtown Columbia Partnership.

3  
4 Sec. 28.100. - Legal authority, findings, purpose, and legislative intent.

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

9  
10 Sec. 28.103. - Downtown Columbia Partnership established.

11 (a) Established. There is a Downtown Columbia Partnership.

12 (b) Status. The Downtown Columbia Partnership:

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

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

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

18 (4) May exercise its powers to the extent not inconsistent with [[Article  
19 25A, Section 5(FF) of the Maryland Code]] SECTION 10-315 OF THE LOCAL  
20 GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND or  
21 this title; and

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

24  
25 Sec. 28.104. - Charter provisions inapplicable.

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

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

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

6  
7 *Section 2. Be It Enacted by the County Council of Howard County, Maryland, that the 2019*  
8 *Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and*  
9 *published by Municipal Code Corporation, a copy of which is attached hereto and incorporated*  
10 *herein, is hereby legalized and is declared to be evidence of the local laws of Howard County,*  
11 *including all laws enacted prior to July 1, 2019, which are public local laws operating within*  
12 *Howard County.*

13  
14 *Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that*  
15 *all laws of a general and permanent nature of Howard County, Maryland enacted on or after*  
16 *July 1, 2019 shall periodically be incorporated into this Code, as a supplement thereto, so that*  
17 *any reference to the Howard County Code, 2019 Edition, shall be understood and intended to*  
18 *include such additions and amendments caused by said enactments on or after July 1, 2019.*

19  
20 *Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland that*  
21 *this Act shall become effective 61 days after its enactment.*

22

PREFACE



Originally Published in 1972

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Published in 2008 by Order of County Council

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# municode



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info@municode.com 800.262.2633 www.municode.com

HOWARD COUNTY  
OFFICIALS (~~2015~~) (2019)

---

COUNTY COUNCIL

<p><del>Calvin Ball</del> Christiana Mercer Rigby <i>Chairperson</i></p>	<p><del>Jon Weinstein</del> Opel Jones <i>Vice Chairperson</i></p>
<p><del>Greg Fox</del> Deb Jung <i>Councilmember</i></p>	<p><del>Mary Kay Sigaty</del> Liz Walsh <i>Councilmember</i></p>

<b>Jennifer Terrasa</b> <b>David Yungmann</b> <i>Councilmember</i>	<b>Jessica Feldmark</b> <b>Diane Schwartz Jones</b> <i>Administrator to the County Council</i>
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## EXECUTIVE

<b>Allan H. Kittleman</b> <b>Calvin Ball</b> <i>County Executive</i>	<b>Lonnie R. Robbins</b> <i>Chief Administrative Officer</i>
<b>James M. Irvin</b> <i>Director of Public Works</i>	<b>Stanley J. Milesky</b> <b>Janet R. Irvin</b> <i>Director of Finance</i>
<b>John R. Byrd</b> <b>Raul Delerme</b> <i>Director of Recreation and Parks</i>	<b>Gary W. Kuc</b> <i>County Solicitor</i>
<b>John Butler</b> <b>Christine M. Uhlhorn</b> <i>Director of Fire and Rescue Services</i>	<b>Valdis Lazdins</b> <b>Amy Gowan</b> <i>Acting Director of Planning and Zoning</i>
<b>Gary L. Gardner</b> <b>Lisa A. Myers</b> <i>Chief of Police</i>	

## PREFACE

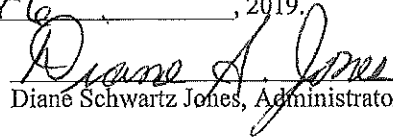
This Code is a republication of the 1995 Edition of the Howard County Code to change format to double column and include Council Bills adopted through 2008.

The 1995 Edition of the Howard County Code was published by the Municipal Code Corporation, Tallahassee, Florida. It constitutes a republication of the 1977 Edition, with the provisions of the 1972-1973 Cumulative Supplement being added thereto. In addition, Council Bills adopted subsequent to the 1972-1973 Supplement have been added. The initial publication contains all such Bills adopted as of March 1, 1976.

No changes in the arrangement of Titles and Subtitles or the numbering system have been made. The section numbers are the same as used in the 1995 Edition, the 1977 Edition, the 1972-1973 Supplement and subsequent amendatory Council Bills. In some instances, the editors have added words in brackets [ ] for clarity.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 6, 2019.

  
\_\_\_\_\_  
Diane Schwartz Jones, 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.

\_\_\_\_\_  
Diane Schwartz Jones, 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.

\_\_\_\_\_  
Diane Schwartz Jones, 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.

\_\_\_\_\_  
Diane Schwartz Jones, 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.

\_\_\_\_\_  
Diane Schwartz Jones, 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.

\_\_\_\_\_  
Diane Schwartz Jones, Administrator to the County Council

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 Diane St. Jones



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

***Footnotes:***

--- (1) ---

***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:

“Title 12. Health and Social Services.

**Footnotes:**

--- (2) ---

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

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

On page 1, line 25, insert:

“Title 12, Health and Social Services.”

Section 12.101. – “Board of Health.””

On page 4, line 20, insert:

“Subtitle 1. Health Code.

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

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

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

On page 1, line 25, insert:

“Title 12, Health and Social Services.”

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.”

26  
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.”

27  
28 On page 9, line 29, insert:

29 “Title 24. Civil Penalties.



1  
2 **Footnotes:**

3 -- (1) ---

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

6  
7 On page 3, line 16, insert:

8 *"Title 24, Civil Penalties.*

9 *Section 24.100. – "Purpose. "'"*

10  
11 On page 9, line 29, insert:

12 *"Subtitle 1. Civil Fines and Procedures.*

13  
14 **Sec. 24.100. - Purpose.**

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

18  
19 On page 3, line 16, insert:

20 *"Title 28, Downtown Columbia.*

21 *Sec. 28.100. – "Legal authority, findings, purpose, and legislative intent. "*

22  
23 *Title 28, Downtown Columbia.*

24 *Sec. 28.103. – "Downtown Columbia Partnership established."*

25  
26 *Title 28, Downtown Columbia.*

27 *Sec. 28.104. – "Charter provisions inapplicable."*

28  
29 *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

Introduced Nov. 4, 2019  
Public Hearing Nov. 18, 2019  
Council Action Dec. 2, 2019  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. **13**

**Bill No. 66 -2019**

Introduced by: The Chairperson

**AN ACT** to legalize the 2019 Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and published by Municipal Code Corporation; to provide for the Code's periodic supplement; and to declare that the Code shall be the evidence of the public local laws of Howard County; and to make technical, non-substantive corrections to the Code.

Introduced and read first time November 4, 2019. Ordered posted and hearing scheduled.  
By order Diane A. Jones  
Diane Schwartz Jones, 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 November 18, 2019.  
By order Diane A. Jones  
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 2, 2019 and Passed , Passed with amendments , Failed .  
By order Diane A. Jones  
Diane Schwartz Jones, 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 \_\_\_\_\_  
Diane Schwartz Jones, 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**, Section 210(c) of the Howard County Charter requires the Howard County Council  
2 to provide for a compilation and codification of all public local laws of the County; and

3  
4 **WHEREAS**, by passage of Council Bill No. 15-1977, the Council adopted a codification of the  
5 public local laws, enacted by the Council pursuant to the Home Rule Amendment to the State  
6 Constitution and operating within Howard County; and

7  
8 **WHEREAS**, Council Bill No. 18-2009 (effective June 9, 2009) legalized the 2008 Edition of the  
9 Howard County Code; and

10  
11 **WHEREAS**, substantial changes have occurred in the local laws of Howard County since the  
12 last codification; and

13  
14 **WHEREAS**, the changes below in Section 1 of this bill reflects technical, non-substantive  
15 corrections to the Howard County Code.

16  
17 ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that the Howard  
18 County Code is amended as follows:

19 *By amending:*

20 *Title 3, Buildings*

21 *Section 3.822 – “COMAR regulations”*

22  
23 *Title 4, Contracts, Purchasing and Property*

24 *Section 4.200 – “Acquisition of real property.”*

25  
26 *Title 13, Housing and Community Development*

27 *Section 13.704 – “Use of Funds.”*

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*Title 13, Housing and Community Development*

*Section 13.800 – “Definitions.”*

*Subsection (h)*

*Title 13, Housing and Community Development*

*Section 13.1106 - Public hearing; approval of project.*

*Subsection (a)*

*Title 13, Housing and Community Development*

*Section 13.1110 – “Bonds; how issued.”*

*Title 13, Housing and Community Development*

*Section 13.1303 – “Definitions.”*

*Subsections (f) and (g)(2)*

*Title 13, Housing and Community Development*

*Section 13.1305 – “Composition; appointments; terms.”*

*Subsection (a)(2)(i)*

*Title 13, Housing and Community Development*

*Section 13.1307 – “Chairperson; liaison to the Housing and Community  
Development Board; staff; legal services.”*

*Subsections (b) and (c)*

*Title 13, Housing and Community Development*

*Section 13.1308 – “Voting; meetings.”*

*Subsection (b)*

1 *Title 13, Housing and Community Development*  
2 *Section 13.1314 – “Rental and tenant selection.”*  
3 *Subsection ((b))*

4  
5 *Title 17, Public Protection Services*  
6 *Section 17.305B – “Tethers for dogs.”*  
7 *Subsection (c)*

8  
9 *Title 17, Public Protection Services*  
10 *Section 17.1008 – “Required information.”*  
11 *Subsection (c)*

12  
13 *Title 20, Taxes, Charges, and Fees*  
14 *Section 20.121 – “Community associations.”*  
15 *Subsections (d) and (e)*

16  
17 **Title 3. Buildings.**

18 **Subtitle 8. On-Site Sewage Disposal Systems.**

19  
20 **Sec. 3.822. - COMAR regulations.**

21 This subtitle shall not be construed to repeal or affect any powers of the State of  
22 Maryland State Department of the Environment under the provisions of the [[health-environment  
23 article]] ENVIRONMENT ARTICLE of the Annotated Code of Maryland or COMAR.  
24

25 **Title 4. Contracts, Purchasing and Property.**

26 **Subtitle 2. Real Property.**

27  
28 **Sec. 4.200. - Acquisition of real property.**

29 The County Executive is authorized to acquire, by purchase, gift or lease for public  
30 purposes, as such purposes are set forth in any capital improvement expenditure appropriation

1 ordinance, the fee simple or leasehold or such other interest as the County Executive may deem  
2 to be necessary or desirable in any real property located within the County, including any or all  
3 property rights, interest, easements or franchises in the same. If the County Executive is unable  
4 to agree with the owner or owners on the purchase price of such property or interest therein, he  
5 shall thereupon request the County Council to authorize and direct the office of law to institute,  
6 in the name of the County, the necessary legal action to acquire by condemnation the real  
7 property or any interest therein. No resolution authorizing and directing the condemnation of any  
8 interest in real property shall be adopted by the Council until after the owner or owners of the  
9 subject real property shall have had an opportunity to be heard by the Council in open hearing  
10 after due notice. A public hearing held pursuant to this section shall be limited to the question of  
11 necessity for the taking and no issue of value of the land which is the subject of the  
12 condemnation proceeding can be raised. No real property or interest therein shall be purchased,  
13 by condemnation or otherwise, unless funds for the same shall have been included in the capital  
14 budget, the award of a condemnation jury notwithstanding. All such purchases herein provided  
15 for shall be accomplished in accordance with budgetary procedures as described in the Howard  
16 County Charter. All necessary legal proceedings shall be accomplished in accordance with  
17 [[article 21 of the Code of Public General Laws of Maryland and the rules of court adopted  
18 pursuant thereto]] TITLE 12 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF  
19 MARYLAND AND OF TITLE 12, CHAPTER 200 OF THE MARYLAND RULES.

20  
21 **Title 13. Housing and Community Development.**

22 **Subtitle 7. Rental Housing Expense Assistance Program.**

23  
24 **Sec. 13.704. - Use of funds.**

25 The financial assistance may be used by the sponsor to pay any of the following costs of a  
26 project:

- 27 (a) Building permit fees imposed under [[subsection 3.100.II.22.114.2]] SECTION  
28 3.101(32) of this Code;
- 29 (b) Electrical inspection fees imposed under [[subsections 3.215(h) and (i)]] SECTION  
30 3.222 of this Code;



- 1 (c) Plumbing, gasfitting and on-site utility permit fees imposed under [[subsection  
2 3.305(k)]] SECTION 3.305(J) of this Code;
- 3 (d) Grading permit fees imposed under [[subsection]] SECTION 3.404(c) of this Code;
- 4 (e) Water and sewer connection charges imposed under section [[20.308]] 20.608 of  
5 this Code;
- 6 (f) Water and sewer in-aid-of construction charges imposed under section [[20.311]]  
7 20.611 of this Code; and
- 8 (g) The building excise tax imposed under [[subtitle 11 of title 20 of the Howard  
9 County Code]] TITLE 20, SUBTITLE 5 OF THIS CODE.

10

11 **Subtitle 8. Rental Housing Development Program.**

12

13 **Sec. 13.800. - Definitions.**

14 **In this subtitle the following words have the meanings indicated:**

- 15 (h) Imputed income limitation means the income limitation that would apply under  
16 subsection [[13.807(a)]] 13.807(B) to a household of low or moderate income if  
17 the number of individuals in the household were as follows:(1)In case of a unit  
18 that does not have a separate bedroom, one individual; or(2)In the case of a unit  
19 that has one or more separate bedrooms, 1.5 individuals for each separate  
20 bedroom.

21

22 **Subtitle 11. Urban Renewal.**

23

24 **Sec. 13.1106. - Public hearing; approval of project.**

25 Prior to final approval of an urban renewal project, the County Council shall:

- 26 (a) Submit the plans to the [[Office of Planning and Zoning]] PLANNING COMMISSION, for  
27 its review and recommendations only. The [[Office of Planning and Zoning's]]  
28 PLANNING COMMISSION'S recommendations shall be submitted within 60 days after  
29 receipt of the plans.

1  
2  
3 **Sec. 13.1110. - Bonds; how issued.**

4 Both the revenue bonds and general obligation serial bonds issued under this subtitle  
5 shall be authorized by resolution of the County Council for Howard County and may be issued in  
6 one or more series and shall bear such date or dates, be payable upon demand or mature at such  
7 time or times, bear interest at such rate or rates, NOT EXCEEDING SIX PER CENTUM PER ANNUM, be  
8 in such denomination or denominations, be in such form, either with or without coupon or  
9 registered, carry on such conversion or registration privileges, have such rank or priority, be  
10 executed in such manner, be payable in such medium of payment, at such place or places, and be  
11 subject to such terms of redemption (with or without premium), be secured in such manner, and  
12 have such other characteristics, as may be provided by such resolution or trust indenture or  
13 mortgage issued pursuant thereto. Such bonds shall not be subject to the provisions of sections 9,  
14 10 and 11 of article 31, Maryland Code, 1957 Edition, as amended.  
15

16 **Subtitle 13. Howard County Housing Commission Articles of Organization.**  
17

18 **Sec. 13.1303. - Definitions.**

19 The terms used in this subtitle shall have the meanings indicated in this section.

20 (f) *Housing authorities law* means [[article 44A of the Annotated Code of  
21 Maryland]] TITLE 12 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE  
22 ANNOTATED CODE OF MARYLAND, as amended.

23 (g) *Housing development* means any work or undertaking:

- 24 (2) To provide decent, safe, and sanitary living accommodations for  
25 persons of eligible income and, to the extent authorized in  
26 accordance with subsection [[13.1012(p)]] 13.1312(p) of this  
27 subtitle, for other persons; such work or undertaking, or portion  
28 thereof, may include buildings, land, equipment, facilities, and  
29 other real or personal property for necessary, convenient, or  
30 desirable appurtenances, streets, sewers, water service, parks, site

1 preparation, gardening, administrative, community, health,  
2 recreational, educational, welfare, or other purposes; or  
3

4 **Sec. 13.1305. - Composition; appointments; terms.**

5 (a) *Appointment:*

6 (2) *Nonvoting Commissioner:*

7 (i) The Commission shall have an additional nonvoting Commissioner  
8 who shall be a member of the Housing and Community  
9 Development Board selected in accordance with subsection  
10 [[13.501(d)]] 13.201(D) of this Code.  
11

12 **Sec. 13.1307. - Chairperson; liaison to the Housing and Community Development Board;**  
13 **staff; legal services.**

14 (b) *Liaison to the Housing and Community Development Board.* By majority vote of  
15 all Commissioners, the Commission shall annually select from among its  
16 Commissioners a liaison to the Housing and Community Development Board who  
17 shall serve as a nonvoting ex officio member of the Housing and Community  
18 Development Board in accordance with subsection [[13.501(c)(2)]] 13.201(D) of  
19 this Code.

20 (c) *Employment of Staff.* Subject to section [[13.1017]] 13.1317 of this subtitle, the  
21 Commission may employ an Executive Director, technical experts and other  
22 officers, agents and employees, permanent and temporary, and shall determine  
23 their qualifications, duties and compensation.  
24

25 **Sec. 13.1308. - Voting; meetings.**

26 (b) *Open Meetings.* The Commission shall meet in open session as required by the  
27 Open Meetings [[Law, section 10-501 et seq. of the State Government]] ACT  
28 FOUND IN TITLE 3 OF THE GENERAL PROVISIONS Article of the Annotated Code of  
29 Maryland, as amended. Agendas shall be made available at least five business  
30 days prior to the meeting in an electronic medium readily available to the public.

1 Minutes of open meetings shall be made available as soon as practicable in at  
2 least one electronic medium readily available to the public.

3  
4 **Sec. 13.1314. - Rental and tenant selection.**

- 5 (b) Exception Regarding Income of Tenants. The requirements of subsection (a) of  
6 this section may not apply to those rental units not required to be occupied by  
7 persons of eligible income under subsection ~~[[13.1012(p)]]~~ 13.1312(p) of this  
8 subtitle.

9  
10 **Title 17. Public Protection Services.**

11 **Subtitle 3. Animals.**

12  
13 **Sec. 17.305B. - Tethers for dogs.**

- 14 (c) *Generally prohibited.* Except as otherwise provided in subsection ~~[[c)]~~ (D) of  
15 this subsection, an owner may not keep a dog on a tether.

16  
17 **Subtitle 10. Landlord-Tenant Relations.**

18  
19 **Sec. 17.1008. - Required information.**

- 20 (c) *Rental Housing License.* If the owner fails to provide the notice required by  
21 subsection ~~[[a(4)]]~~ (A)(2)(IV) of this section, the tenant may, at any time before the rental  
22 housing license is obtained, terminate the lease without penalty and the owner shall return the  
23 tenant's security deposit in compliance with section 8-203 of the Real Property Article of the  
24 Maryland Code.

1 Title 20. Taxes, Charges, and Fees.

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

3  
4 Sec. 20.121. - Community associations.

5 (d) *Application for Tax Credit.* Applications for the tax credits provided in this  
6 section shall be filed with the Director of Finance. Such application shall be submitted on forms  
7 prepared and furnished by the Director of Finance and shall contain a declaration preceding the  
8 signature of the duly authorized representative of the Applicant to the effect that such application  
9 is made under [[article 24, § 1-105]] § 20-102 OF THE LOCAL GOVERNMENT ARTICLE of the  
10 Annotated Code of Maryland. The Director of Finance shall approve or disapprove any  
11 application filed pursuant to this section within 30 days of receipt of such application and shall  
12 notify the Applicant of his decision at the address set forth in the application. Decisions of the  
13 Director of Finance relating to this section shall be appealable to the Board of Appeals within 30  
14 days pursuant to the provisions of article V of the Howard County Charter and title 2 of this  
15 Code. Applications shall be received by the Director of Finance not later than October 1 of the  
16 taxable year for which the credit is claimed. This credit may apply only to taxes which initially  
17 accrue on or after July 1, 1977.

18 (e) *Annual Reports.* Each community association granted a tax credit pursuant to this  
19 section shall file annually with the Director of Finance a report confirming that it is a community  
20 association and that the property for which the tax credit was originally granted continues to  
21 comply with the requirements of paragraph (b) of this section. Such reports shall be submitted on  
22 forms prepared and furnished by the Director of Finance and shall contain a declaration  
23 preceding the signature of the authorized representative of the Applicant that such report is made  
24 under [[Article 24, § 1-105]] § 20-102 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated  
25 Code of Maryland. Such report shall be received by the Director of Finance not later than  
26 October 1 of each taxable year for which the tax credit to any community association shall be  
27 continued.

1 **Section 2. Be It Enacted** by the County Council of Howard County, Maryland, that the 2019  
2 *Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and*  
3 *published by Municipal Code Corporation, a copy of which is attached hereto and incorporated*  
4 *herein, is hereby legalized and is declared to be evidence of the local laws of Howard County,*  
5 *including all laws enacted prior to July 1, 2019, which are public local laws operating within*  
6 *Howard County.*

7  
8 **Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland, that  
9 *all laws of a general and permanent nature of Howard County, Maryland enacted on or after*  
10 *July 1, 2019 shall periodically be incorporated into this Code, as a supplement thereto, so that*  
11 *any reference to the Howard County Code, 2019 Edition, shall be understood and intended to*  
12 *include such additions and amendments caused by said enactments on or after July 1, 2019.*

13  
14 **Section 4. And Be It Further Enacted** by the County Council of Howard County, Maryland that  
15 *this Act shall become effective 61 days after its enactment.*

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"

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

**“Footnotes:**

--- (1) ---

*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.”

26  
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.”

27  
28 On page 9, line 29, insert:

29 “Title 24. Civil Penalties.

1	
2	<b>Footnotes:</b>
3	-- (1) ---
4	<i>State Law reference—Civil penalties authorized, Ann. Code of Md. [art. 25A, § 5(A)(5)]</i>
5	<i>, LOCAL GOVERNMENT ARTICLE, SECTION 10-202(B)."</i>
6	
7	On page 3, line 16, insert:
8	"Title 24, Civil Penalties.
9	Section 24.100. – "Purpose.""
10	
11	On page 9, line 29, insert:
12	"Subtitle 1, Civil Fines and Procedures.
13	
14	<b>Sec. 24.100. - Purpose.</b>
15	This subtitle implements the authority contained in [article 25A] LOCAL GOVERNMENT
16	ARTICLE of the Annotated Code of Maryland to provide for the enforcement of County laws and
17	regulations by civil fines."
18	
19	On page 3, line 16, insert:
20	"Title 28, Downtown Columbia.
21	Sec. 28.100. – "Legal authority, findings, purpose, and legislative intent."
22	
23	Title 28, Downtown Columbia.
24	Sec. 28.103. – "Downtown Columbia Partnership established."
25	
26	Title 28, Downtown Columbia.
27	Sec. 28.104. – "Charter provisions inapplicable."
28	
29	Title 28, Downtown Columbia.





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

**Sayers, Margery**

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**From:** joel hurewitz <joelhurewitz@gmail.com>  
**Sent:** Monday, November 18, 2019 12:45 PM  
**To:** CouncilMail  
**Cc:** Kuc, Gary  
**Subject:** CB66-2019 Legalize 2019 Edition of the Howard County Code  
**Attachments:** Howard County's Urban Renewal Law is Constitutionally Defective 2019.pdf; Urban Renewal Comparison.pdf

[Note: This email originated from outside of the organization. Please only click on links or attachments if you know the sender.]

Dear Council,

The Urban Renewal sections of CB66-2019 were included in the bill after the suggestion was made to County Solicitor Gary Kuc.

The attached memorandum "Howard County's Urban Renewal Law is Constitutionally Defective" was originally written in January 2016 in response to a letter from the County Solicitor. It explains the special status of urban renewal laws in the Maryland Constitution and how after adoption of the County Charter the powers of the County Commissioners were transferred to the Council and Executive. In addition, the memorandum explains how the urban renewal provisions incorrectly references the "Office of Planning and Zoning" rather than the "Planning Board," and how the six per centum cap on bonds was unlawfully removed in 1980. Making these corrections to the County Code is the proper step as stated in an opinion of the Maryland Attorney General.

I appreciate that the the County Solicitor has taken steps to correct these decades-long errors. However, substantial problems also remain in Section 13.1103. The drafters of the County Code gave these powers to the County Executive. Yet, as shown in the attached Comparison of Urban Renewal Laws, these powers should more appropriately have been given to the County Council.

The provisions for Howard and Montgomery County are substantially similar. Montgomery County adopted its Charter in 1948 prior to the passage of the urban renewal laws, and the General Assembly gave these powers to the Council and not the Executive. Thus, it would appear that Howard County should also have transferred these powers from the County Commissioners to the Council and not to the Executive. Section 13.1103 also includes a reference to the "Office of Planning and Zoning" and outdated state law references.

I understand that the Mr. Kuc believes that state legislation will be necessary to fix all of these problems, and retroactively approve the urban renewal activities of the county, similar to the legislation for Anne Arundel County which is discussed in the memorandum. I hope that this can be addressed in the 2021 General Assembly Session if not sooner in the 2020 Session.

Adding a note in the Code stating that the Urban Renewal Laws is passed pursuant to Section 61 of the Maryland Constitution might also help to deter future improper attempts to amend it.

In addition, I have discussed with Mr. Kuc the need to correct many other outdated and incorrect references in the County Code to COMAR and state law. For example, there are four outdated state law references in Title 28 dealing with Downtown Columbia. I have also discussed the technical errors in Section 4.202 regarding the Surplus School Use Committee. I understand that the intention is to submit amendments to correct these issues.

I again thank Mr. Kuc for his interest in correcting the errors and outdated references in the County Code and look forward to seeing the amendments.

Please let me know if you have questions.

Sincerely,

Joel Hurewitz

## HOWARD COUNTY'S URBAN RENEWAL LAW IS CONSTITUTIONALLY DEFECTIVE

### ABSTRACT

The Howard County Urban Renewal Law as codified in the Howard County Code is constitutionally defective. It was initially adopted by the General Assembly pursuant to a special grant of power found in the Maryland Constitution. Local governments cannot amend urban renewal laws as enacted by the General Assembly—a principle expressed in an opinion of the Maryland Attorney General. The Constitution has an ambiguity and an unanswered question regarding what to do with the references to county commissioners when a county adopts a charter subsequent to the enactment of a public local law for urban renewal. Howard County has amended the urban renewal law several times, beginning after the adoption of the County Charter in 1968. On at least two instances, these amendments have been substantive in nature: transferring review of the urban renewal plan from the Planning Commission to the Office of Planning and Zoning and removing the interest rate cap on bonds. Anne Arundel County has had a similar history regarding its urban renewal authorization and adoption of a charter, however, the county subsequently received legislative relief and clarification by the General Assembly.

### I. THE MARYLAND ATTORNEY GENERAL HAS RECOGNIZED THE UNIQUE STATUS OF THE URBAN RENEWAL PROVISION IN THE MARYLAND CONSTITUTION

The authority for any local government in Maryland to carry out urban renewal projects is found in Article III, Section 61 of the Maryland Constitution. The power provision begins “(a) The General Assembly may authorize and empower any county or any municipal corporation, by public local law: (1) To carry out urban renewal projects . . .” Similarly, the additional powers provision begins “(b) The General Assembly may grant to any county or any municipal corporation, by public local law . . .”

The Maryland Attorney General considered these provisions in a 1995 Attorney General Opinion. Though, the question at issue there dealt with municipal corporations, because Section 61 applies equally to counties and municipalities, the analysis should be analogous.

To paraphrase the Attorney General

Our opinion is as follows: Although all [home rule charter counties] in the State have home rule, an express provision of the Maryland Constitution reserves to the General Assembly alone the power to enact, amend, and repeal urban renewal laws for specific [counties]. In our opinion, therefore the laws in question are still valid as enacted by the General Assembly.

80 OAG 232 (1995). To further paraphrase the opinion:

[Counties] previously authorized by the General Assembly by public local law to carry out urban renewal projects continue to have this authority. The authority under which these laws were enacted, the Urban Renewal Amendment, expressly provides that it prevails over [Article XI-A]. Therefore, a [county] may not in purported exercise [of] its home rule powers, amend or repeal through [code] amendment the urban renewal provisions enacted by the General Assembly.

To the extent that [county charters or codes] have been amended in this respect, these [charters or codes] should be republished by the [county] to restore the urban renewal provisions enacted by the General Assembly.

80 OAG 232, 234. See also 47 OAG 40, 43 (1962) recognizing the limitations on the powers of home rule local governments when acting under Article III, Section 61.

**II. THE CONSTITUTION HAS AN UNANSWERED AMBIGUITY REGARDING THE REFERENCES TO COMMISSIONERS IN A PUBLIC LOCAL LAW AUTHORIZING URBAN RENEWAL AFTER ADOPTION OF A COUNTY CHARTER**

The Constitution has an ambiguity regarding how to handle the public local law authorizing urban renewal in a commissioner county subsequent to the adoption of a county charter. While a charter county has power to amend or repeal its public local laws, as discussed above urban renewal is the exception to the rule. In the absence of re-authorization of urban renewal by the General Assembly, neither available option is entirely proper. To do nothing leaves outdated, confusing, and perhaps irrelevant references to commissioners in the county code. On the other hand, amending the law to divvy up the executive, legislative, and administrative responsibilities to the county executive, council, staff and boards usurps the constitutional authority of the General Assembly as expressed in the Attorney General Opinion. Perhaps unaware of this conundrum and with more than a quarter century before the Attorney General Opinion clearly showed that the urban renewal law occupies a special place in the Maryland Constitution, the codifiers of the first Howard County Code chose the later option. Along with all other public local laws, they divided up the responsibilities of the Urban Renewal Law in a *cy presesque* fashion. Without conceding that this overall approach was lawful, this option will be accepted for the sake of further argument here. Yet, in the transition the codifiers erred in a substantive detail which is at issue today with regard to the Long Reach Village Center (LRVC) Urban Renewal.

**III. THE CODIFIERS OF THE FIRST COUNTY CODE ERRED AFTER ADOPTION OF THE CHARTER IN 1968 REGARDING REVIEW AND RECOMMENDATION OF THE URBAN RENEWAL PLAN**

In 1961, Howard County was granted urban renewal authority pursuant to Article III, Section 61 by the General Assembly with the passage of Chapter 877. In 1968, the County adopted its Charter and transitioned from a commissioner government to a council and executive government. Therefore, it was necessary to draft the County Code.

In the Preface to the 1970 Edition, the Editors of the Code described in detail the guidelines that they used in revising the Howard County Code (1972 Edition):

The transitional provision of the Charter in Article XI, Section 1107 provide: "All references in the Constitution and the laws of this State to the County Commissioners shall, at such time as the elected members of the first Council and first Executive take office, be construed to refer to the Council and the Executive whenever such construction would be reasonable. The Council and Executive shall succeed to all powers vested heretofore in the County Commissioners by the Constitution and laws of this State." In those instances where the reference to County Commissioners would not reasonably refer to both the County Council and County Executive, your Editors have construed the meaning to be either the Council or the Executive as the context of the law would require. In making this determination, a distinction was made between legislative, executive or quasi-judicial functions.

When the term "County Commissioners" in the former Code of Public Local Laws refers to duties which are executive in character, your Editors have inserted the word "County Executive." In those instances where the term refers to duties which are legislative or quasi-judicial in character, the term "County Council" has been inserted except in a few instances where the Charter would require that the "Board of Appeals" would be inserted for quasi-judicial functions.

As stated above, this general approach was acceptable for the regular public local laws. For the Urban Renewal Law, this approach while it may or may not be entirely constitutional for the most part it appears to have created a reasonable law; yet, this does not apply to the provision for approval of the project.

The Preface also states:

In this the first Howard County Code, the Public Local Laws of Howard County, rules regulations, all resolutions of the former County Commissioners and the County Council, having the force and effect of law have been compiled and codified. *Minimum efforts were made to change the existing law except where required by the transitional provisions of Charter, as stated above, or required by coherence and clarity.*

Howard County Code – Preface to 1970 Edition (emphasis added). As will explained below, regarding the approval provision of the Urban Renewal Project, the Editors in fact made a substantive change. The Preface also described the guidelines regarding boards and commissions that were abolished under the new charter:

Many of the provisions of the 1965 Code of Public Local Laws of Howard County made reference to certain Offices, Boards and Commissions under the former County Commissioners government, which were specifically abolished by Article XI, Section 1112 of Charter. *In such cases, your Editors have deleted the references to the abolished Office, Board or Commission and incorporated in the new text the appropriate Office, Department or Board, which under Charter exercises the powers and duties of the abolished Office, Board, or Commission, whenever such construction would be reasonable.*

Howard County Code – Preface to 1970 Edition (emphasis added).

Chapter 877 as enacted by the General Assembly and as set out in the Code of Public Local Laws of Howard County (1965 Edition) regarding public hearing and review of the project appears in relevant part as follows:

**330. Public hearing; approval of project.**

(a) Prior to final approval of an urban renewal project, the County Commissioners shall:

(b) Submit the plans to the Howard County Planning Commission for its review and recommendation only.

The Planning Commission's recommendations shall be submitted within 60 days after receipt of the plans.

(c) Hold a public hearing on the proposed urban renewal project after 15 days' notice by publication in a newspaper having general circulation in the County, giving the time, place, and date of the hearing, and an opportunity for the public to review the plans.

(d) Make such change or modification as the Commissioners deem desirable in the urban renewal project.

(e) Approve the project by resolution. Upon approval by resolution of such urban renewal project, such plan shall be deemed to be in full force and effect.

Similarly, as the section appears in Chapter 877:

*174F. Public Hearing—Approval of Project.*

*(a) Prior to final approval of an urban renewal project, the County Commissioners shall:*

*(b) Submit the plans to the Howard County Planning Board COMMISSION for its review and recommendation only. The Planning Board's COMMISSION'S recommendations shall be submitted within 60 days after receipt of the plans.*

*(c) Hold a public hearing on the proposed urban renewal project after 15 days' notice by publication in a newspaper having general circulation in the County, giving the time, place and date of the hearing, and an opportunity for the public to review the plans.*

*(d) Make such change or modification as the Commissioners deems desirable in the urban renewal project.*

*(e) Approve the project by resolution. Upon approval by resolu-*

Note that both have the erroneous placement of "(a)" which applies to all subsequent subsections and was corrected as now laid out in the Howard County Code:

Sec. 13.1106. - Public hearing; approval of project.

Prior to final approval of an urban renewal project, the County Council shall:

(a) Submit the plans to the Office of Planning and Zoning, for its review and recommendations only. The Office of Planning and Zoning's recommendations shall be submitted within 60 days after receipt of the plans.

In amending then subsection (b) the Editors failed to follow their own guidelines to make "minimum effort to change the existing law" and to properly incorporate in "the new text the appropriate Office, Department or Board, which under Charter exercises the powers and duties of the abolished [Planning Commission]." The Charter provided in relevant part:



Section 1112, ABOLITION OF CERTAIN OFFICES, BOARDS AND COMMISSIONS. Subject to the conditions, if any, specified in this Section, the following offices, boards, and commissions are abolished:

\* \* \* \*

(d) **THE HOWARD COUNTY PLANNING COMMISSION.** Members of the Howard County Planning Commission in office at the time this Charter becomes effective, except the County Commissioner service ex officio, shall continue in office as members of the Planning Board established by Article IV, Section 407 of this Charter, for the remainder of their term and until their successors are appointed. Not later than May 1, 1969, the Executive and the Council shall take necessary action to appoint a fifth member to the Planning Board as provided for in Article IV, Section 407(a) of this Charter.

Therefore, it is quite clear that the Planning Board succeeded and assumed the responsibilities of the Planning Commission. The Editors should have transferred review of the the urban renewal project to the Planning Board and not to the Office of Planning and Zoning; the Planning Board is the appropriate new board in keeping with the Editors' transition guidelines. Moreover, such a transfer also would be in keeping with the apparent legislative intent by the General Assembly to give another body with other members of the County an opportunity for reflection, a separate public meeting of the Planning Board, and recommendation before the elected officials—then the Commissioners and now the Council—vote on the final plan.

In addition, the language as now part of the County Code is illogical and superfluous. It is generally self-evident that when Planning and Zoning sends matters to the Council it comes with their review and staff recommendations. See for example Howard County Code Sec. 16.801 which provides a non-exclusive list of Duties and Responsibilities of the Department of Planning and Zoning and the relationship with the Council: (c) (2) Subdivision rules and regulations; (c)(3) Zoning map; zoning regulations; (c)(4)(ii) Text amendments; and (c) (8) Sites for public facilities. Thus, the LRVC Urban Renewal Plan is also by its very nature a staff recommendation to the Council.

Finally, the provision as it appears in the Howard County Code is actually circular and illogical. In the case of the LRVC Urban Renewal Project, the Plan was developed by Planning and Zoning. The Urban Renewal Law as actually written would have Planning and Zoning send the Plan to the Council, only to have the Council send it back to Planning and Zoning to review its own plan for up to 60 days to then go back to the Council with a recommendation. Such a scenario does not fulfill the original legislative intent of the General Assembly and serves no real purpose and is in fact generally pointless. On the other hand, as stated review and recommendation by the Planning Board would give the opportunity for valuable input on the Plan to the Council.

#### **IV. HOWARD COUNTY UNCONSTITUTIONALLY AMENDED CHAPTER 877 TO DELETE THE SIX PERCENT CAP ON BONDS**

Returning to the additional powers provision of Article III, Section 61 (b) which states:

(b) The General Assembly may grant to any county or any municipal corporation, by public local law, any and all additional power and authority necessary or proper to carry into full force and effect any and all of the specific powers authorized by this section and to fully accomplish any and all of the purposes and objects contemplated by the provisions of this section, provided such additional power or authority is not inconsistent with the terms and provisions of this section or with any other provision or provisions of the Constitution of Maryland.

Pursuant to this authority, the General Assembly gave Howard County the authority to sell bonds in order to carry out an urban renewal project. These provisions as they appear in the Code of Public Local Laws (1965

Edition) comprise “Section 331. Bonds; general obligation,,” “Section 332. Bonds; revenue bonds,” “Section 333. Revenue bonds; tax exempt; security,,” “Section 334. Bonds; how issued,,” “Bonds 335. Bonds; how sold,,” “Section 336. Bonds; signature,,” “Section 337., Bonds; validity,,” and “Section 338. Bonds; investments.” In fact, eight of the fourteen sections of the Urban Renewal Law relate to bonds.

Furthermore, the Constitution also permits the General Assembly to clarify and limit these powers in subsection (d): “The General Assembly may place such other and further restrictions or limitations on the exercise of any of the powers provided for in this section, as it may deem proper and expedient.” One such restriction which the General Assembly chose to place upon Howard County and its authority to sell bonds was a six percent cap on the interest rate. “Section 334. Bonds; how issued.” stated in part that any revenue or general obligation bonds issued “bear interest at such rate or rates, *not exceeding six per centum per annum.*” (emphasis added).

When initially enacted in 1961, a six percent interest rate cap probably did not give anyone a second thought. However, in 1980 with interest rates approaching 20% understandably a six percent cap was an impediment to urban renewal. However, rather than ask the General Assembly for legislative relief, the Howard County Council usurped the General Assembly's Constitutional authority and deleted the six percent limitation. The Council passed CB120-1980. In the prefatory provisions the Bill stated in part:

WHEREAS, it is necessary to clarify the rate of interest at which these bonds may be sold; and  
WHEREAS, in order to avoid any confusion as to a legal limit on the interest rates for any Urban Renewal bonds, it is necessary to delete references to a maximum rate of interest.

Thus, the legislative intent was clear: remove the bond cap.

In addition, the first legislative basis for the bill stated:

WHEREAS, the sale of Urban Renewal bonds before the end of 1980 is necessary to the public health, safety and welfare of the County.

The original bill before amendment was also declared to be an emergency measure to take effect at the date of enactment. These last two elements were apparently in an attempt to justify the County's authority under the health and welfare provision of the Express Powers Act for Charter Counties. The Express Powers Act has been enacted pursuant to Article XI-A, Section 2 of the Constitution for Charter Counties. Yet, as discussed above regarding the Attorney General Opinion, Article III, Section 61 (e) clearly states “Also, the power provided in this section for the General Assembly to enact public local laws authorizing any municipal corporation or any county to carry out urban renewal projects prevails over the restrictions contained in Article XIA 'Local Legislation.'” Thus, the attempt by Howard County to justify the Council Bill upon the Express Powers Act was ultra vires and unconstitutional.<sup>1</sup>

Having lifted the interest rate cap, the Council proceeded with establishing the Ellicott City Historic District Urban Renewal Area. CR101-1981. Like the amendment deleting the bond cap, the Council justified the urban renewal as being “necessary in the interest of the public health, safety, morals and welfare of the residents of the County.” CR101-1981 page 1. In addition, the urban renewal project included an Assignment and Security Agreement between the County and the Equitable Trust Company for the sale of \$750,000 in industrial development revenue bonds.

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<sup>1</sup> Resolution 2-2015 like CB120-1980 before it erroneously sought to justify its authority under the Express Powers Act by stating: “AND BE IT FURTHER RESOLVED, that the actions authorized by this Resolution are declared to be in the interest of the public health, safety and welfare of the residents of Howard County.” The authority for any urban renewal is under Article III of the Maryland Constitution, not Article XI-A. In fact, CR22-2014 establishing the LRVC Urban Renewal Project also includes the standard reference to it being “necessary in the interest of the public health, safety and welfare.”

Regarding the interest rate, the Security Agreement included the following excerpted provisions:

or any amounts been paid with respect thereto, be automatically increased (i) to a fluctuating rate of interest per annum equal at all times to the commercial prime rate of interest in effect at The Equitable Trust Company, a Maryland banking corporation, plus two (2) percentage points above such commercial prime rate of interest as the same may be in effect from time to time with respect to any of such payments made prior to the Permanent Financing Date, and (ii) to seventeen per centum (17.00%) per annum with respect to all such payments made after the Permanent Financing Date. Any amount of interest past due by reason of such determination shall thereupon become immediately due and payable as provided in the Agreement.

Until the Permanent Financing Date, the Bond shall bear interest on the unpaid principal amount thereof at a fluctuating rate of interest per annum which is at all times equal to 75% of the commercial prime rate of interest in effect from time to time at The Equitable Trust Company, a Maryland banking

On and after the Permanent Financing Date, the Bond shall bear interest on the unpaid principal amount thereof at the rate of thirteen per centum (13.00%) per annum, except as hereinafter provided in Section 204 in the event

Prior to the Permanent Financing Date, in the event any payment on the Bond is not paid within fifteen (15) days from the date on which the same is due and payable, such payment shall continue as an obligation of the Issuer with interest thereon at a fluctuating rate of interest per annum equal at all times to the commercial prime rate of interest in effect at The Equitable Trust Company, a Maryland banking corporation, plus two (2) percentage points above such commercial prime rate of interest as the same may be in effect from time to time. In addition, the Issuer shall pay a late charge in an amount equal to five percent (5.00%) of the amount of any payment of interest or principal as set forth above which is made more than fifteen (15) days after the date on which the same is due and payable.

This is not what was envisioned when the General Assembly limited the interest to six per centum: floating interest rates, 13% rates, 17% rates, and a late charge of 5%--on top of the inflated base rate. If the General

Assembly had intended to permit such high interest rates, they would not have limited Howard County to only 6 *per centum*. In spite of the poor economic conditions extant in 1981, Howard County should have sought an amendment to the Urban Renewal Law from the General Assembly, not unilaterally deleting the interest rate limitation.

**V. ANNE ARUNDEL COUNTY RECEIVED LEGISLATIVE ACTION FROM THE GENERAL ASSEMBLY TO CLARIFY AND CORRECT THE URBAN RENEWAL LAW AFTER TRANSITION FROM A COMMISSION COUNTY TO A CHARTER COUNTY**

Anne Arundel County had a similar history regarding the adoption of a Charter and the General Assembly's authorization for urban renewal to that of Howard County. Anne Arundel County was first granted urban renewal authority in 1963 with the adoption of Chapter 791, and then the County, like Howard, subsequently adopted its Charter in 1964. <http://msa.maryland.gov/msa/mdmanual/36loc/an/html/an.html>. Thus, like Howard County the references in the urban renewal law were to "Commissioners." Yet, apparently recognizing the constitutional ambiguities and concerns about the legality of the County's urban renewal projects, Anne Arundel County received legislative action from the General Assembly in 1975 which amended Chapter 791 with the passed of Chapter 803, "An Act concerning Anne Arundel County – Urban Renewal Law" which was "For the purpose of clarifying the codification of the Anne Arundel County Urban Renewal Law." Chapter 803 recognized that the Council and Executive succeeded to the powers of the Commissioners:

2 A. ANNE ARUNDEL COUNTY, MARYLAND, SUCCEEDED TO ALL POWERS HERETOFORE VESTED IN THE COUNTY COMMISSIONERS OF ANNE ARUNDEL COUNTY BY THIS SUBHEADING ON THE EFFECTIVE DATE OF THE ANNE ARUNDEL COUNTY CHARTER ADOPTED PURSUANT TO ARTICLE XI-A OF THE CONSTITUTION OF MARYLAND. ACCORDINGLY, WHENEVER THE TERMS "BOARD OF COUNTY COMMISSIONERS" OR "BOARD" OR "COUNTY" ARE USED OR REFERRED TO IN THIS SUBHEADING AS ENACTED BY CHAPTER 791 OF THE LAWS OF MARYLAND OF 1963, THEY SHALL BE DEEMED TO REFER TO ANNE ARUNDEL COUNTY, MARYLAND. LEGISLATIVE POWERS OF ANNE ARUNDEL COUNTY, MARYLAND CONFERRED BY THIS SUBHEADING SHALL BE VESTED IN AND EXERCISED BY THE COUNTY COUNCIL IN ACCORDANCE WITH THE ANNE ARUNDEL COUNTY CHARTER. NO REFERENCE IN THIS SUBHEADING TO THE ACCOMPLISHMENT OF ACTIONS BY ORDINANCE OR RESOLUTION IS INTENDED TO MODIFY ANY REQUIREMENTS OF THE ANNE ARUNDEL COUNTY CHARTER THAT ACTION BE TAKEN BY ORDINANCE. EXECUTIVE OR ADMINISTRATIVE POWERS OF ANNE ARUNDEL COUNTY, MARYLAND CONFERRED BY THIS SUBHEADING SHALL BE VESTED IN AND EXERCISED BY THE COUNTY EXECUTIVE.

Chapter 803, Section 1. In addition, the law provided "That the provisions of this Act shall control over erroneous references contained in The Code of Anne Arundel County, Maryland and appropriate changes to reflect the provisions of this Act shall be made in The Code of Anne Arundel County, Maryland as presently codified." Chapter 803, Section 2. Finally, the Act ratified the constitutionality and legality of the urban renewal activities taken by the County Executive and County Council and defined Urban Renewal Area One and Urban Renewal Area Two. Chapter 803, Section 1.

## CONCLUSION

Howard County's Urban Renewal Law legally remains as it was enacted by the General Assembly in 1961. The County's past amendments to the provisions for review of projects and the tax cap were without authority and unconstitutional. Nevertheless, to ratify Howard County's urban renewal activities and the changes to the Urban Renewal Law, a request should be made to the General Assembly to reenact Howard County's urban renewal authority similar to that done for Anne Arundel County. In addition, to make clear its status under the Constitution, the public local law should contain a provision stating that it was enacted pursuant to "Article III, Section 61 of the Maryland Constitution and may not be amended or repealed by the Howard County Council."

Joel Hurewitz  
Columbia, MD

January 2016  
Updated November 2019



(6) *Fiscal matters personally.* To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this article, and to levy taxes and assessments for such purposes; to borrow money, and to give such security as may be required hereunder to invest any urban renewal funds held in reserve or holding funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.

(7) *Chemicals, apparatus, etc., of urban renewal commissions, etc.* To prevent, report, and vest jurisdiction or authority to exercise or prosecute any violation of any law, ordinance, or regulation which may be enacted by the County Council, or the County Council, shall become financially interested in any way in any land or property which may be acquired for an urban renewal project.

No shall Management County provision

(8) *Condemnation.* To condemn land or property, including improvements, and any other rights, title, and interest therein, in the name of the County for an urban renewal project, under Title 12, Subtitle 1 of the Real Property Article of the Maryland Code.

(9) *Temporary acquisition, management, etc., of property condemned.* To acquire, manage and maintain temporarily any property acquired by Montgomery County as an urban renewal area, or for an urban renewal project, pending disposition of said property as authorized by this article, as may be deemed desirable even though not in conformity with the urban renewal plan.

(10) *Sale, lease, etc., of property acquired.* To sell, lease, convey, transfer or otherwise dispose of or return any of such land or property, or any interest therein, to any person, public or quasi-public corporation, partnership, association, person or other legal entity. Any lease or rental agreement entered into pursuant to this article, for any of the purposes or objectives contemplated by this article, is hereby declared to be exclusively for business or commercial purposes and the fee, interest, rent, or charge reserved to be paid shall not be subject to redemption. The right to lease or otherwise dispose of such land or property shall not be subject to the right of first refusal or other agreement. Such disposal shall be subject to the right of first refusal or other agreement only if such agreement is in writing and is subject to the same terms and conditions as the disposal of such land or property. The purchaser or lessee and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the County Council may impose. The County Council may, in its discretion, require that the purchaser or lessee and their successors and assigns shall be obligated to comply with such other requirements as the County Council may impose. Such requirements shall be in addition to the requirements of the urban renewal plan. In determining the fair value of real property for use in accordance with the urban renewal plan, consideration shall be given to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations imposed by the purchaser or lessee or by the County Council remaining property; and the objectives of such plan. The County Council may, in its discretion, require that the purchaser or lessee and their successors and assigns shall be obligated to comply with such other requirements as the County Council may impose.

(11) *Manufacturing.* To exercise all or any part or combination of powers granted herein. Mont. Co. Code 1961, § 26-1-1961, ch. 821, § 1; 2010 E.M.C. ch. 22, § 1

(12) To acquire, appraise, and improve the site of a building and to erect or perform all or any part of the same, including the construction, reconstruction or alteration of buildings, buildings, structures, highways, streets, alleys, public utilities or services, parks, playgrounds, and other structures or improvements, to provide any urban renewal funds held in reserve or holding funds or any such funds not required for immediate disbursement, in property or securities.

(13) To create, amend, and replace the plan or to authorize or perform all or any part of the same, including the construction, reconstruction or alteration of buildings, buildings, structures, highways, streets, alleys, public utilities or services, parks, playgrounds, and other structures or improvements, to provide any urban renewal funds held in reserve or holding funds or any such funds not required for immediate disbursement, in property or securities.

(14) To advance and improve the site of a building and to erect or perform all or any part of the same, including the construction, reconstruction or alteration of buildings, buildings, structures, highways, streets, alleys, public utilities or services, parks, playgrounds, and other structures or improvements, to provide any urban renewal funds held in reserve or holding funds or any such funds not required for immediate disbursement, in property or securities.

(15) To condemn land or property, including improvements, and all other rights, title, and interest therein, in the name of the County for an urban renewal project, under Title 12, Subtitle 1 of the Real Property Article of the Maryland Code.

(16) To acquire, manage and maintain temporarily any property acquired by Montgomery County as an urban renewal area, or for an urban renewal project, pending disposition of said property as authorized by this article, as may be deemed desirable even though not in conformity with the urban renewal plan.

(17) To sell, lease, convey, transfer or otherwise dispose of or return any of such land or property, or any interest therein, to any person, public or quasi-public corporation, partnership, association, person or other legal entity. Any lease or rental agreement entered into pursuant to this article, for any of the purposes or objectives contemplated by this article, is hereby declared to be exclusively for business or commercial purposes and the fee, interest, rent, or charge reserved to be paid shall not be subject to redemption. The right to lease or otherwise dispose of such land or property shall not be subject to the right of first refusal or other agreement. Such disposal shall be subject to the right of first refusal or other agreement only if such agreement is in writing and is subject to the same terms and conditions as the disposal of such land or property. The purchaser or lessee and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the County Council may impose. The County Council may, in its discretion, require that the purchaser or lessee and their successors and assigns shall be obligated to comply with such other requirements as the County Council may impose. Such requirements shall be in addition to the requirements of the urban renewal plan. In determining the fair value of real property for use in accordance with the urban renewal plan, consideration shall be given to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations imposed by the purchaser or lessee or by the County Council remaining property; and the objectives of such plan. The County Council may, in its discretion, require that the purchaser or lessee and their successors and assigns shall be obligated to comply with such other requirements as the County Council may impose.

(18) To exercise all or any part or combination of powers granted herein.

Sec. 22-1-1961, Powers of County Council.  
The County Council is authorized and empowered to exercise all or any part or combination of powers granted herein. Mont. Co. Code 1961, § 26-1-1961, ch. 821, § 1; 2010 E.M.C. ch. 22, § 1

(19) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this article, and to levy taxes and assessments for such purposes; to borrow money, and to give such security as may be required hereunder to invest any urban renewal funds held in reserve or holding funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.

(20) To create, amend, and replace the plan or to authorize or perform all or any part of the same, including the construction, reconstruction or alteration of buildings, buildings, structures, highways, streets, alleys, public utilities or services, parks, playgrounds, and other structures or improvements, to provide any urban renewal funds held in reserve or holding funds or any such funds not required for immediate disbursement, in property or securities.

(21) To advance and improve the site of a building and to erect or perform all or any part of the same, including the construction, reconstruction or alteration of buildings, buildings, structures, highways, streets, alleys, public utilities or services, parks, playgrounds, and other structures or improvements, to provide any urban renewal funds held in reserve or holding funds or any such funds not required for immediate disbursement, in property or securities.

(22) To condemn land or property, including improvements, and all other rights, title, and interest therein, in the name of the County for an urban renewal project, under Title 12, Subtitle 1 of the Real Property Article of the Maryland Code.

(23) To acquire, manage and maintain temporarily any property acquired by Montgomery County as an urban renewal area, or for an urban renewal project, pending disposition of said property as authorized by this article, as may be deemed desirable even though not in conformity with the urban renewal plan.

(24) To sell, lease, convey, transfer or otherwise dispose of or return any of such land or property, or any interest therein, to any person, public or quasi-public corporation, partnership, association, person or other legal entity. Any lease or rental agreement entered into pursuant to this article, for any of the purposes or objectives contemplated by this article, is hereby declared to be exclusively for business or commercial purposes and the fee, interest, rent, or charge reserved to be paid shall not be subject to redemption. The right to lease or otherwise dispose of such land or property shall not be subject to the right of first refusal or other agreement. Such disposal shall be subject to the right of first refusal or other agreement only if such agreement is in writing and is subject to the same terms and conditions as the disposal of such land or property. The purchaser or lessee and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the County Council may impose. The County Council may, in its discretion, require that the purchaser or lessee and their successors and assigns shall be obligated to comply with such other requirements as the County Council may impose. Such requirements shall be in addition to the requirements of the urban renewal plan. In determining the fair value of real property for use in accordance with the urban renewal plan, consideration shall be given to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations imposed by the purchaser or lessee or by the County Council remaining property; and the objectives of such plan. The County Council may, in its discretion, require that the purchaser or lessee and their successors and assigns shall be obligated to comply with such other requirements as the County Council may impose.

(25) To exercise all or any part or combination of powers granted herein.

Sec. 22-1-1961, Powers of County Council.  
The County Council is authorized and empowered to exercise all or any part or combination of powers granted herein. Mont. Co. Code 1961, § 26-1-1961, ch. 821, § 1; 2010 E.M.C. ch. 22, § 1