

Introduced 10-4-2021
Public Hearing 10-18-2021
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2021 Legislative Session

Legislative Day No # 16

Bill No. 79 -2021

Introduced by Liz Walsh

AN ACT providing for enhanced enforcement measures and penalties for violations of the Forest Conservation Act of Howard County; and generally relating to forest conservation in the County.

Introduced and read first time October 4, 2021. Ordered posted and hearing scheduled.
By order Michelle Harrod
Michelle R. Harrod, 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 Oct 18, 2021.
By order Michelle Harrod
Michelle R. Harrod, Administrator

This Bill was read the third time on _____, 2021 and Passed _____, Passed with amendments _____, Failed _____.
By order _____
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this _____ day of _____, 2021 at ___ a.m./p.m.
By order _____
Michelle R. Harrod, Administrator

Approved by the County Executive _____, 2021

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.

Tabled 11-1-2021 Michelle Harrod
Expired 12-13-2021 Michelle Harrod

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

3 *By amending:*

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

5 *Subtitle 12. Forest Conservation.*

6 *Section 16.1212. Forest Conservation Fund.*

7 *Subsection (c) Noncompliance Penalties.*

8 *Section 16.1213. Enforcement; penalties.*

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

11 *Subtitle 12. Forest Conservation.*

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14 **Section 16.1212. Forest Conservation Fund.**

15 *Noncompliance Penalties.* The noncompliance penalty is a fine per square foot
16 of [[forest cut, cleared or graded]] VEGETATION DISTURBED AND PER INCH
17 CIRCUMFERENCE OF TREE MEASURED AT 4.5 FEET ABOVE THE GROUND DISTURBED which
18 [[may]] SHALL be assessed against violators of this subtitle as specified in section
19 16.1211 of this subtitle. The amount of the noncompliance penalty is set by resolution
20 of the County Council, and in no event shall it be less than the minimum set by state
21 law.

22
23 **Section 16.1213. Enforcement; penalties.**

24 The provisions of this subtitle may be enforced with any or all of the following measures:

25 (a) *Revocation of exemption:* The Department may revoke an exemption for properties
26 that are in violation of the conditions of exemption set forth in section 16.1202(b) of this
27 subtitle and may require compliance with the retention, reforestation and afforestation
28 requirements of this subtitle. Prior to revocation, the Department shall notify the violator
29 in writing and provide an opportunity for a response.

30 (b) *Revocation of approved forest conservation plan:* The Department may revoke an
31 approved forest conservation plan for cause, including any of the following conditions:

1 (1) Noncompliance with this subtitle or with conditions of an approved forest
2 conservation plan; or

3 (2) Obtaining approval of the plan through fraud, misrepresentation, a false or
4 misleading statement, or omission of a relevant or material fact.

5 Prior to revocation, the Department shall notify the violator in writing and provide an
6 opportunity for a response.

7 (c) *Stop-work order*: The County may issue a stop-work order against any violator of this
8 subtitle, the Manual, an order, an approved forest conservation plan, the associated forest
9 conservation agreement and long-term deed of forest conservation easement, or a
10 declaration of intent.

11 (d) *Injunction*: The County may seek an injunction requiring a violator to cease the
12 violation and take corrective action to restore or reforest an area.

13 (e) *Noncompliance penalties*: The County [[may]] SHALL assess a noncompliance
14 penalty as defined in section 16.1212 of this subtitle, against a violator of this subtitle, the
15 Manual, an order, an approved forest conservation plan, an associated forest conservation
16 agreement, a long-term deed of forest conservation easement or a declaration of intent.

17 (F) *SUSPENSION OF PLANS PROCESSING*. FOR ANY WILLFUL OR REPEATED VIOLATION OF
18 THIS SUBTITLE, THE DEPARTMENT SHALL REVOKE ANY APPLICABLE APPROVED FOREST
19 CONSERVATION PLANS AND SUSPEND ONGOING PROCESSING OF ANY OTHER PLANS
20 SUBMITTED BY OR ON BEHALF OF THE VIOLATOR OTHER THAN A REVISED FOREST
21 CONSERVATION PLAN OR PLANS FOR THE PROPERTIES IN VIOLATION. THE DEPARTMENT
22 SHALL PROVIDE PUBLIC NOTICE OF THE CIRCUMSTANCES OF SUCH SUSPENSION ON THE
23 COUNTY WEBSITE AND DIRECTLY TO THE DEPARTMENT OF INSPECTIONS, LICENSES AND
24 PERMITS; THE ADMINISTRATIVE ASSISTANT TO THE ZONING BOARD; THE COUNTY
25 COUNCIL; AND THE COUNTY EXECUTIVE, WITHIN FIVE DAYS OF REVOCATION. UPON THE
26 DEPARTMENT'S APPROVAL OF AND THE VIOLATOR'S COMPLIANCE WITH A REVISED,
27 CORRECTIVE FOREST CONSERVATION PLAN OR PLANS, INCLUDING RESTORATION AND ON-
28 SITE REFORESTATION EXCEEDING IN SUBSTANTIAL PART OTHERWISE APPLICABLE
29 REQUIREMENTS, THE SUSPENSION MAY BE LIFTED.

30 (G) *REVOCATION OF ANY ON-SITE EXCEPTIONS*: FOR ANY WILLFUL OR REPEATED VIOLATION
31 OF THIS SUBTITLE, THE DEPARTMENT SHALL DEEM VOID, WAIVED AND DENIED ANY

1 PREVIOUSLY GRANTED OR PENDING APPLICATION FOR A WAIVER, NECESSARY
2 DISTURBANCE, VARIANCE, ALTERNATIVE COMPLIANCE, OFF-SITE COMPLIANCE OR ANY
3 OTHER EXCEPTION FROM THE ON-SITE REQUIREMENTS OF THE FOREST CONSERVATION ACT
4 FOR ANY PROPERTY IN VIOLATION.

5 ~~[(f)]~~ (H) *Civil Penalties*. In addition to and concurrent with all other remedies, the
6 Department of Planning and Zoning may enforce the provisions of this subtitle or an
7 approved forest conservation plan with civil penalties pursuant to the provisions of Title
8 24, "Civil penalties," of the Howard County Code. A violation shall be a class A offense.
9 Each day a violation continues is a separate violation.

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