COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Transportation and Environment Committee

AN EMERGENCY ACT to:

(1) make the Department of Permitting Services permanent; and
(2) establish an advisory committee for the Department of Permitting Services.

By repealing
Chapter 20 of the Laws of Montgomery County 1996

By amending
Montgomery County Code
Chapter 2, Administration
Section 2-42B

The County Council for Montgomery County, Maryland, approves the following Act:
Sec. 1. Section 2-42B is amended as follows:

2-42B. Functions; Advisory Committee.

(a) Functions. The Department of Permitting Services is responsible for:

(1) reviewing building plans and specifications, building permits, occupancy permits, and licensing facilities for compliance with fire prevention law. In exercising these functions, the Director must consult with the Director of Fire and Rescue Services in all matters involving the interpretation, application, or revision of fire prevention laws and codes.

(2) code enforcement, inspection, and licenses (except where those functions are assigned by law to another department or agency), including:

(A) administering, interpreting, and enforcing the zoning [[ordinance]] law and other land use laws and regulations [[adopted by the District Council under state law]];

(B) administering, interpreting, and enforcing construction codes, and laws and regulations governing sediment control, stormwater management, floodplain management, special protection areas, and pond and excavation safety;

(C) issuing building, electrical stormwater discharge, and on-site water supply and sewage disposal permits;

(D) administering and enforcing agricultural preservation and historic resources laws and regulations.

(b) Advisory Committee.

(1) The County Executive must appoint, subject to confirmation by the Council, an Advisory Committee for the Department. The
Committee consists of 11 voting members and 6 ex-officio, non-voting members. Each voting member must be appointed for a 3-year term and serves until a successor is confirmed. The Executive must from time to time designate one voting member as chair and one as vice-chair.

(2) Of the 11 voting members:

(A) 5 must be members of the regional service center advisory boards, with one member from each center's board;

(B) 2 must be active members of civic organizations in the County;

(C) 2 must be active members of environmental organizations in the County; and

(D) 2 must be active in land development or related professions.

(3) The ex-officio, non-voting members must be nominated respectively by the Director of Environmental Protection, the Director of Housing and Community Affairs, the Director of Public Works and Transportation, the Fire Administrator, the Planning Board, and the Washington Suburban Sanitary Commission.

(4) The Committee must advise the Department on the performance of its functions and recommend to the Director, the Executive, and the Council any steps necessary to improve the Department's performance. The Committee must meet at the call of the chair as often as required to perform its duties, but at
least 4 times a year. Section 2-148(c) does not apply to ex-
officio members. The Director must assign staff as the
Committee needs to perform its duties.

Sec [[1]] 2. Section 5 of Chapter 20, Laws of Montgomery County
1996, is repealed as follows:

[Sec. 5. Sunset. On July 1, 2002, any function transferred by this Act to
the Department of Permitting Services reverts to the Department which administered
that function before this Act took effect.]

Sec. [[2]] 3. Emergency Effective Date.
The Council declares that an emergency exists and that this legislation is
necessary for the immediate protection of the public health and safety. This act
takes effect on July 1, 2002.

Sec. 4. Initial terms of Advisory Committee members.
Of the voting members initially appointed to the Advisory Committee created
by Section 2-42B, as amended by Section 1 of this Act:

(a) 3 must be appointed to 1-year terms;
(b) 4 must be appointed to 2-year terms; and
(c) 4 must be appointed to 3-year terms.

Approved:

/S/          June 4, 2002
Steven A. Silverman, President, County Council     Date

Approved:

/S/          June 17, 2002
Douglas M. Duncan, County Executive      Date
This is a correct copy of Council action.

/S/

Mary A. Edgar, CMC, Clerk of the Council

June 18, 2002

Date