

Emergency Bill No. 4-02
Concerning: Department of Permitting
Services - Sunset - Repeal
Revised: 5-30-02 Draft No. 3
Introduced: February 12, 2002
Enacted: June 4, 2002
Executive: June 17, 2002
Effective: July 1, 2002
Sunset Date: None
Ch. 16, Laws of Mont. Co. 2002

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

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>

The County Council for Montgomery County, Maryland, approves the following Act:

1 **Sec. 1. Section 2-42B is amended as follows:**

2 **2-42B. Functions; Advisory Committee.**

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

- 4 (1) reviewing building plans and specifications, building permits,
5 occupancy permits, and licensing facilities for compliance with
6 fire prevention law. In exercising these functions, the Director
7 must consult with the Director of Fire and Rescue Services in all
8 matters involving the interpretation, application, or revision of
9 fire prevention laws and codes.
- 10 (2) code enforcement, inspection, and licenses (except where those
11 functions are assigned by law to another department or agency),
12 including:
- 13 (A) administering, interpreting, and enforcing the zoning
14 [[ordinance]] law and other land use laws and regulations
15 [[adopted by the District Council under state law]];
- 16 (B) administering, interpreting, and enforcing construction
17 codes, and laws and regulations governing sediment
18 control, stormwater management, floodplain management,
19 special protection areas, and pond and excavation safety;
- 20 (C) issuing building, electrical stormwater discharge, and on-
21 site water supply and sewage disposal permits;
- 22 (D) administering and enforcing agricultural preservation and
23 historic resources laws and regulations.

24 **(b) Advisory Committee.**

- 25 (1) The County Executive must appoint, subject to confirmation by
26 the Council, an Advisory Committee for the Department. The

27 Committee consists of 11 voting members and 6 ex-officio,
28 non-voting members. Each voting member must be appointed
29 for a 3-year term and serves until a successor is confirmed. The
30 Executive must from time to time designate one voting member
31 as chair and one as vice-chair.

32 (2) Of the 11 voting members:

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

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

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

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

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

48 (4) The Committee must advise the Department on the performance
49 of its functions and recommend to the Director, the Executive,
50 and the Council any steps necessary to improve the
51 Department's performance. The Committee must meet at the
52 call of the chair as often as required to perform its duties, but at

53 least 4 times a year. Section 2-148(c) does not apply to ex-
54 officio members. The Director must assign staff as the
55 Committee needs to perform its duties.

56 **Sec [[1]] 2. Section 5 of Chapter 20, Laws of Montgomery County**
57 **1996, is repealed as follows:**

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

61 **Sec. [[2]] 3. Emergency Effective Date.**

62 The Council declares that an emergency exists and that this legislation is
63 necessary for the immediate protection of the public health and safety. This act
64 takes effect on July 1, 2002.

65 **Sec. 4. Initial terms of Advisory Committee members.**

66 Of the voting members initially appointed to the Advisory Committee created
67 by Section 2-42B, as amended by Section 1 of this Act:

68 (a) 3 must be appointed to 1-year terms;

69 (b) 4 must be appointed to 2-year terms; and

70 (c) 4 must be appointed to 3-year terms.

71 *Approved:*

72 /S/ June 4, 2002

Steven A. Silverman, President, County Council Date

73 *Approved:*

74 /S/ June 17, 2002

Douglas M. Duncan, County Executive Date

75 *This is a correct copy of Council action.*

76 /S/

June 18, 2002

Mary A. Edgar, CMC, Clerk of the Council

Date