COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the Request of the County Executive

AN EXPEDITED ACT to:

(1) abolish the Department of Public Works and Transportation and re-assign its functions;
(2) create a Department of Transportation and assign its functions;
(3) create a Department of General Services and assign its functions;
(4) assign certain solid waste functions to the Department of Environmental Protection;
(5) create an Office of Internal Audit in the Office of the County Executive, and assign certain functions to the Office;
(6) abolish the Office of Procurement as a principal Office of the Executive Branch;
(7) abolish the Department of Homeland Security and re-assign certain of its functions;
(8) create an Office of Emergency Management and Homeland Security, and assign it certain functions;
(9) clarify the authority of officers and employees to delegate functions to another, and generally provide for delegation of authority;
(10) make technical and stylistic changes; and
(11) generally amend the law regarding transportation, public works, procurement, property management, and related functions.

By amending
Montgomery County Code
CHAPTER 1A STRUCTURE OF COUNTY GOVERNMENT
Sections 1A-201, 1A-203
CHAPTER 2 ADMINISTRATION
Sections 2-29, 2-42B, 2-55, 2-56, 2-57, 2-58D, 2-58E, 2-64N, 2-64O
CHAPTER 4 AMUSEMENTS
Section 4-33
CHAPTER 5 ANIMAL CONTROL
Section 5-101
CHAPTER 7 BICYCLES
Section 7-1

CHAPTER 8        BUILDINGS
    Sections 8-14A, 8-26, 8-32, 8-37

CHAPTER 10B   COMMON OWNERSHIP COMMUNITIES
    Section 10B-3

CHAPTER 11B   CONTRACTS AND PROCUREMENT
    Sections 11B-1, 11B-56, 11B-65

CHAPTER 18    ELM DISEASE
    Section 18-1

CHAPTER 20    FINANCE
    Section 20-38

CHAPTER 21    FIRE AND RESCUE SERVICES
    Section 21-12

CHAPTER 22A    FOREST CONSERVATION - TREES
    Sections 22A-26, 22A-31

CHAPTER 27    HUMAN RIGHTS AND CIVIL LIBERTIES
    Section 27-51

CHAPTER 31    MOTOR VEHICLES AND TRAFFIC
    Sections 31-29, 31-51, 31-52, 31-54, 31-57, 31-69

CHAPTER 38    QUARRIES
    Section 38-16

CHAPTER 42A   RIDESHARING AND TRANSPORTATION MANAGEMENT
    Sections 42A-9A, 42A-21

CHAPTER 47    VENDORS
    Section 47-2

CHAPTER 48    SOLID WASTES
    Sections 48-1, 48-3

CHAPTER 49    STREETS AND ROADS
    Sections 49-2, 49-3, 49-9, 49-11, 49-26, 49-28, 49-30, 49-31, 49-32, 49-33, 49-40,
                 49-62, 49-65, 49-67, 49-68, 49-70, 49-72, 49-73, 49-74, 49-81

CHAPTER 52    TAXATION
    Sections 52-48, 52-55

CHAPTER 53    TAXICABS AND LIMOUSINES
    Section 53-101

CHAPTER 60    SILVER SPRING, BETHESDA, WHEATON AND
               MONTGOMERY HILLS PARKING LOT DISTRICTS
    Sections 60-12, 60-14, 60-16

By adding

CHAPTER 1A   STRUCTURE OF COUNTY GOVERNMENT
    Section 1A-109

CHAPTER 2    ADMINISTRATION
    Section 2-25A, 2-30[2-40]
The County Council for Montgomery County, Maryland approves the following Act:

1A-109. Delegation of Authority; Sub-delegation.

(a) An officer or employee may delegate authority to perform a function to a designated officer or employee or the person who holds a specific position if:

(1) the officer or employee has been vested with authority to perform the function; and

(2) another law does not prohibit delegation of the function.

(b) The officer or employee delegating authority to perform a function may impose limits, terms, and conditions on the delegation of authority.

(c) The officer or employee delegating authority remains responsible for the performance of the delegated function.

(d) A delegation of authority does not divest the officer or employee who delegates authority of the authority to perform the function.

(e) The officer or employee who delegates authority to perform a function may revoke the delegation at any time. Authority to perform a delegated authority remains valid until revoked.

(f) A delegation of authority to perform a function must be in writing.

(g) The official or employee delegating authority to perform a function and the officer or employee who has been designated to perform a delegated function should retain a copy of the delegation.
(h) An officer or employee who has been designated to perform a delegated function may delegate authority to perform the function to an officer or employee or a person who holds a specific position unless the delegation of authority to perform the function under which the official or employee is acting prohibits sub-delegation.

(i) This section does not apply to members of any board, committee, or commission.

(j) Section 1A-105 exclusively governs the appointment of an acting:

(1) County Executive;

(2) Chief Administrative Officer;

(3) head of a department or principal office;

(4) holder of any other position in the Executive Branch designated by law as a non-merit position; and

(5) Council Staff Director.

1A-201. Establishing departments and principal offices.

(a) Executive Branch.

(1) These are the departments and principal offices of the Executive Branch.

* * *

Fire and Rescue [Services] Service [Section 2-39A]

General Services [Section 2-30]

Health and Human Services [Section 2-42A]

[Homeland Security [Section 2-64O]]

* * *

[Procurement [Section 2-64N]]

Public Information

Public Libraries [Section 2-45 et seq.]
(2) The County Executive [determines] must determine whether an entity is a department or a principal office.

[a.] (A) Entities that directly serve the public are departments.

[b.] (B) Entities that provide internal support to other parts of County government are principal offices.

* * *

1A-203. Establishing other offices.

(a) Executive Branch. These are the offices of the Executive Branch that are not part of a department or principal office:

Office of the Commission for Women [section 27-28 et seq.]
Office of Community Use of Public Facilities [section 44-4]
Office of Human Rights [section 27-4]
[[Office of Internal Audit [section 2-40]]]

* * *

2-25A. Office of Internal Audit — Functions.

The Office of Internal Audit is part of the Office of the County Executive. The Office of Internal Audit must conduct its work in accordance with professional standards relevant to internal audit. The Office must:

(a) identify areas of risk in accountability systems;
(b) conduct fiscal, contract, performance, and information system audits, and attestation engagements;

(c) undertake investigative audits and audits required by law;

(d) provide advice to County departments and offices on internal control issues;

(e) communicate actions necessary to enhance accountability; and

(f) conduct other investigations and audits as directed by the Chief Administrative Officer.


The following positions in the Office of the County Executive are non-merit positions:

(a) 5 Directors of the Regional Services Centers;

(b) Director, Office of Community Partnerships;

(c) Director, Criminal Justice Coordinating Commission; [[and]]

(d) 4 Assistant Chief Administrative Officers; and

(e) Special Projects Manager.

2-29. Functions.

The Department of Environmental Protection [has the following functions and responsibilities] must:

(a) [Protecting, preserving and enhancing] protect, preserve, and enhance the environmental resources of the County, including environmental planning, design, and development of disposal sites and facilities for public sewerage[];

(b) [Developing] develop programs and [implementing] administer laws and regulations:

(1) to promote energy conservation; and

(2) to prevent or control air, water, and land pollution[];
108 (c) [Developing] develop programs and [implementing] administer laws and regulations necessary to protect the public health and environmental quality[.];
109 (d) plan, design, develop, and manage solid waste facilities and programs, including collection, disposal, recycling, and waste reduction programs, and administer related licensing and regulatory programs and activities; and
110 (e) [Performing] perform other environmental protection functions as directed by the County Executive.

117 DIVISION 5. [Reserved] DEPARTMENT OF GENERAL SERVICES.


119 The Department of General Services must:
120 (a) administer, through the Office of Procurement, the procurement system under Chapter 11B;
121 (b) acquire and dispose of real property, except real property used (or intended to be used) for right-of-way governed under Chapter 49, including roads, streets, highways, bridges, culverts, storm drainage systems, pedestrian and bicycle pathways and walkway systems;
122 (c) design and build County buildings, including public parking facilities under Chapter 60;
123 (d) maintain County vehicles, including heavy and light equipment and transit equipment;
124 (e) remodel and renovate County buildings, except public parking facilities under Chapter 60, which remain open during the remodeling or renovation;
125 (f) repair and maintain County buildings, except public parking facilities under Chapter 60;
(g) manage County property and identify and acquire real property needed
for the operation of County government;

(h) plan and implement the use of space in County buildings; and

(i) operate mail, printing, duplication, and archiving services.

2-31 – 2-39 Reserved.

DIVISION 6. [RESERVED] [[OFFICE OF INTERNAL AUDIT]] Reserved.


The Office of Internal Audit must conduct its work in accordance with
professional standards relevant to internal audit. The Office must:

(a) identify areas of risk in accountability systems;

(b) conduct fiscal, contract, performance, and information system audits,
and attestation engagements;

(c) undertake investigative audits and audits required by law;

(d) provide advice to departments on internal control issues;

(e) communicate actions necessary for enhancing accountability; and

(f) conduct other investigations and audits as directed by the Chief
Administrative Officer.]]

2-42B. Functions; Advisory Committee.

* * *

(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.
* * *

(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] Chief, the Planning Board, and the Washington Suburban Sanitary Commission.

* * *

DIVISION 10. DEPARTMENT OF [PUBLIC WORKS AND] TRANSPORTATION.

2-55. Functions.

The Department of [Public Works and] Transportation [has the following functions and responsibilities] must:

(a) furnish information [to the Montgomery County Planning Board of the Maryland-National Capital Park and Planning Commission] and make recommendations to the Planning Board regarding the feasibility of implementing transportation aspects of master plans [prepared by the Planning Board];

(b) coordinate and cooperate with other bodies and agencies [in the field of] regarding transportation;

(c) develop [plans for implementing] programs to implement transportation [aspects] elements of the [adopted] County general plan [for the County] and [adopted] area master plans [for various areas of the County];

(d) control, supervise, engineer, design, construct, operate, and maintain roads, streets, highways, bridges, culverts, storm drainage systems, pedestrian and bicycle pathways and [walkway systems] walkways, and
related facilities benefiting the County, including services relating to
street cleaning, trees, plantings, and leaf collection;

(e) perform all public transit engineering and operational functions,
including:

(1) mass transit;
(2) bus service;
(3) taxicabs;
(4) commuter rail service;
(5) limousine service;
(6) airparks, landing fields, and related functions; and
(7) transportation demand management programs;

(f) review and approve transportation elements of development plans,
including storm drainage and paving plans; grade establishment plans;
record plats; utility plans; pre-preliminary, preliminary and site plans;
and construction permits for any work in public space;

(g) acquire and dispose of [land] real property used (or intended to be used)
for roads, streets, highways, bridges, culverts, storm drainage systems,
and related facilities; and

(h) operate[,] design, build[,] and maintain public parking facilities under
Chapter 60; [, and] enforce parking regulations; manage the parking
enterprise fund under Chapter 60, and remodel, restore, and renovate
public parking facilities under Chapter 60 that will remain open during
the work.

(i) maintain and operate transportation equipment and related equipment as
assigned;
(j) plan, design, develop, and manage solid waste facilities and programs, including collection, disposal, recycling, and waste reduction programs, and administer related licensing and regulatory programs and activities;

(k) plan, design, and supervise the construction, renovation, and reconstruction of County buildings;

(l) repair, maintain, remodel, and renovate County buildings;

(m) manage County property;

(n) plan and implement the use of space in County buildings;

(o) operate mail, printing, and duplication services; and

(p) perform other functions that the County Executive directs the Department to perform.]

2-56. **Non-merit [[positions]] position.**

[[(a)]] The position of Deputy Director of the Department of [Public Works and] Transportation is a non-merit position.

[[*   *   *]]

[(b) The position of Deputy Director for Special Projects is a non-merit position. The Deputy Director for Special Projects must coordinate and manage the County’s Go Montgomery! policy and budgetary initiative, and must report each calendar quarter to the Council on this initiative. The Deputy Director for Special Projects must also coordinate and manage other high-priority transportation initiatives, as directed by the Department Director.]]

2-57. **Bus Advertising.**

(a) The Chief Administrative Officer must issue a request for proposals for a contractor to sell, affix, maintain, and replace exterior and interior advertisements on and in public transit buses owned or operated by the Department of [Public Works and] Transportation.
DIVISION 11D. DEPARTMENT OF TECHNOLOGY SERVICES.

2-58D. Functions.

* * *

(d) Information Technology Policy Advisory Committee.

(1) The Information Technology Policy Advisory Committee includes:

(A) the Director of Finance;
(B) the Director of the Office of Management and Budget;
(C) the Director of [the Office of Procurement] General Services;
(D) the Director of the Office of Human Resources;
(E) the County Attorney;
(F) [The] the Chief of Police;
(G) the [Director of Fire/Rescue Services] Fire Chief;
(H) the Director of [Public Works and] Transportation;
(I) the Director of Health and Human Services; and
(J) any other head of a County agency, department, or office listed in Executive regulations approved under method 2.

* * *

2-58E. Transmission facility coordination.

* * *

(d) (1) The Director must convene a Transmission Facility Coordinating Group and select a chair from among its members. The Group consists of the Director’s designee or contractor and a designee of:
(A) the [Maryland-National Capital Park and] Planning [Commission] Board;
(B) the Office of Management and Budget;
(C) the cable television administrator in the Department of Technology Services;
(D) the Department of [Public Works and] Transportation;
(E) the Department of Permitting Services; and
(F) any other County, bi-county, or municipal department or agency which the Director invites to send a designee.

* * *

DIVISION 20. OFFICE OF PROCUREMENT.

2-64N. Functions.

The Office of Procurement is part of the Department of General Services. The Office of Procurement [has the following functions] must:

(a) [Administration of] administer the centralized purchasing system [in accordance with charter section] required by Charter Section 313;
(b) [Procurement of] procure all goods and services in accordance with Chapter 11B and other applicable law; and
(c) [Performance of] perform any other procurement [and] or related [functions as may be] function assigned by the Chief Administrative Officer.

DIVISION 21. [DEPARTMENT OF] OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY.

2-64O. Functions and organization.

The [Department of] Office of Emergency Management and Homeland Security [is responsible for planning, managing] must plan, manage, and [integrating]
integrate the County’s emergency management and homeland security programs. The [Department has the following functions] Office must:

(a) undertake emergency management and disaster preparedness planning, and coordinate response and recovery operations to a disaster[.]

(b) coordinate homeland security intelligence programs in conjunction with the [Montgomery County] Police, Sheriff, and other local, state, and federal law enforcement agencies and disease surveillance systems of public health[.]

(c) manage the interdepartmental governance of the Public Safety Communications Center (PSCC) and the Alternate Public Safety Communications Center (APSCC)[, and coordinate the interoperability of the PSCC and the APSCC with state, regional, and federal agencies.]

(d) [Develop and integrate] facilitate the integration of policies and procedures on homeland security, emergency management, and emergency preparedness with the [Montgomery County] Fire and Rescue Service; [the Department of] Police[.]; Health and Human Services; [and Public Works and] Transportation; Environmental Protection; the [Office of the] Sheriff; and other County government departments and public agencies as necessary[.]

(e) coordinate community outreach and volunteer support of emergency preparedness and homeland security[.]

(f) coordinate the County’s homeland security and emergency preparedness programs with federal, state, regional, local, County, and municipal agencies, [and] including the Housing Opportunities Commission, Montgomery College, Montgomery County Public Schools, Maryland-National Capital Park and Planning Commission, Washington Suburban Sanitary Commission, Washington Metropolitan
Area Transit Authority, and utilities and telecommunications companies doing business in the County[];

(g) develop, coordinate, and manage state and federal grants relating to homeland security and emergency preparedness[.], response, and recovery; and

(h) [Coordinate the security of County facilities.]

(i) Coordinate and integrate the County’s public health emergency preparedness programs and response.

(j) [undertake [other] related functions designated by the County Executive.]

**4-33. Applicant to file certain certificates with Department.**

[No] The Director must not issue a license [shall be issued] under this Division unless the following certificates have been filed with the Department[.]; provided, that] However, the following certificates [shall] are not [be] required [for renewal of] to renew a license[,] unless [there has been some alteration or change in] the plans and specifications were materially altered after [the granting of] the initial license was issued. [:]

* * *

(d) A certificate from the Department of [Public Works and] Transportation that the traffic design will not impair the flow of traffic on public highways and that the entrance, exit, and parking of vehicles will not interfere with an orderly flow of traffic, in addition to any other requirements in this Article.

**5-101. Definitions.**

In this Chapter, the following words and phrases have the following meanings:

* * *

*Service animal:* Any guide or signal dog or other animal trained to work or perform tasks for a person with a disability, including guiding a person with impaired
vision, alerting a person with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items, or any dog used by the Department of Police, Sheriff’s Office, Fire and Rescue Service, [Department of] Office of Emergency Management and Homeland Security, or any federal or state law enforcement or search and rescue agency.

*   *   *

7-1. Definitions.

In this Chapter:

*   *   *

(b) bicycle helmet means a protective helmet designed for bicycle riders that is approved by the Snell Memorial Foundation or the American National Standards Institute, or that the Director of [the Department of Public Works and] Transportation determines meets an equivalent standard.


*   *   *

(c) The County Executive must adopt regulations under method (2) [of Section 2A-15 of this Code] to establish:

(1) Minimum building energy performance standards that meet or exceed the energy performance standards established by the State of Maryland under [article 78A, Annotated Code of Maryland] State law;

*   *   *

(d) The Director of [the Department of Public Works and Transportation] General Services may grant a variance or modification of an energy performance standard if:
(1) The architect applies for the variance or modification in writing; and

(2) The Director gives notice of and a chance to comment on the application to:

[a.] (A) the County Council;
[b.] (B) the Department of Permitting Services; and
[c.] (C) the energy conservation advisory committee.


* * *

(j) Compliance with performance bond for construction of streets before issuance of permit. As used in this subsection, the phrase “such streets” means streets abutting the building site [plus] and those extensions of streets necessary to meet the minimum requirements of Chapter 49.

(1) [No] A permit [shall] must not be issued for the erection of any building or structure unless the applicant [shall first deliver] delivers to the County a performance bond for the construction of streets in all rights-of-way abutting the property [upon which such] on which the building or structure [is to] will be erected [plus] and those extensions of streets necessary to meet the minimum requirements of Chapter 49 [of this Code; provided, that no] However, a performance bond for the construction of streets [shall be required to the extent that] is not required when:

[a.] (A) [Such] all streets are paved with a hard surface and have been accepted for maintenance or are being maintained by
the County; or
[b.] (B) [Construction of such streets has been] the County Council authorized [by the County Council] construction of each street on a front foot assessment basis.

* * *

(3) If the applicant owns, or is obligated by contract to develop, all or substantially all of the property abutting the streets, a bond in an amount to cover the cost of grading of the streets is sufficient to obtain a building permit. When the applicant does not own, and is not obligated by contract to develop, all or substantially all of the property abutting the streets, the applicant may demand that the Director of [the Department of Public Works and] Transportation present to the County Council the applicant’s proposal to construct the streets on a front-foot-assessment basis. If the County Council refuses to authorize the construction of the streets on a front-foot-assessment basis, the Department must not require the applicant to post a performance bond.

* * *

8-32. Administrative procedures.

(b) Review by other agencies. The Director must also refer each application to which this Article applies for comments on the adequacy of public facilities to:

(1) the Department of [Public Works and] Transportation;
(2) the Superintendent of the Montgomery County Public School System;
(3) the County Fire and Rescue Service; and
(4) the Department of Police.
Each [of those agencies and departments] recipient must submit any comments on the application to the Planning Board within 30 days after receiving the application from the Director.

* * *

8-37. Payment.

* * *

(c) If the applicant has applied under the Alternative Review Procedure for Metro Station Policy Areas, the applicant must agree, in a contract with the Planning Board and the Department of [Public Works and] Transportation, as a condition of plan approval to pay the first installment of the development approval payment, as provided in Section 8-41, for each building in the area covered by the subdivision plan before the Department releases a building permit for that building. In addition, the applicant, and the owner of the property if the owner is not the applicant, must expressly accept in the same contract:

(1) the applicant’s liability for the entire development approval payment, and

(2) the attachment to all real property in the subdivision of the lien imposed under Section 8-42(e).

10B-3. Commission on Common Ownership Communities.

* * *

(b) Designees of the County Council (if the Council selects a designee), Planning Board, Department of Environmental Protection, Department of Permitting Services, Department of [Public Works and] Transportation, Office of Consumer Protection, and Department of Housing and Community Affairs are ex-officio nonvoting members of the Commission.
11B-1. Definitions.

Unless the context indicates otherwise, the following terms have the following meanings:

(i) Director means the Director of the [Office of Procurement] Department of General Services or the Director's designee.

11B-56. Procurement of goods containing recycled materials.

(d) Role of Office of Procurement and Department of [Public Works and Transportation] Environmental Protection: Executive Regulations; Indirect Purchases.

(2) The Department of [Public Works and Transportation] Environmental Protection must provide technical assistance, when requested by the Office of Procurement or a Using Department, concerning recycled material content in any product, or similar matters.

(e) Report by Office of Procurement. The Director, in consultation with the Director of [Public Works and Transportation] Environmental Protection, must submit a report to the County Council and County Executive by September 30 each year about implementation of this Section for the prior fiscal year. The report must describe County government efforts to encourage the maximum purchase of goods containing recycled materials under this Section and recommend
measures that could increase County purchases of goods containing recycled materials. The report should specifically provide:

* * *

11B-65. Definitions.

In this Article the following words have the meanings indicated.

(a) Department means the Department of Economic Development.

(b) Director means the Director of the Department of Economic Development.

(c) Local Small Business means a business, other than a broker, that:

(1) generates a significant amount of economic activity in the County;

(2) is independently owned and operated;

(3) is not a subsidiary of another business; and

(4) meets criteria, size limits, and gross sales amounts established by method 2 regulations.

Local Small Business Reserve means any procurement that is limited to responses from local small businesses.

18-1. Definitions.

In this Chapter, the following words and phrases, have the meanings stated:

County forester: An individual in the Department of [Public Works and] Transportation designated by the Director of that Department as the County forester.

* * *


The [director of finance is hereby authorized and directed] Director of Finance, under the general direction of the [county executive] County Executive, must:
(a) [Audit] Review and audit of claims, vouchers, etc. [To] review and audit [and pre-audit all] accounts, claims, invoices, demands, or vouchers presented to the [county] County for payment.

(b) Accounting system, etc. [To] prescribe the system of accounts, reports, and expenditure and receipt documents to be used by all of the officers of the [county] County government, except as [the same may now or hereafter be] prescribed by law.

(c) Financial records. [To] keep the financial records of the [county] County government, including payroll.

(d) [Investigations of county department; reports. To make such investigation of the financial organization, activities and methods of procedure of the several county departments and establishments as he may be called upon to make by the county executive. In submitting any report, the director of finance may adopt as his the report of any independent public accountants retained by the county to the extent that the form and content on the report of such independent public accountants comply with the requirements relating to the report being submitted by the director of finance.] Annual Financial Report.

prepare an Annual Financial Report containing a detailed account of all funds received and paid by the County in accordance with applicable accounting and financial reporting standards.

(e) Inventory, storage, etc., management. [To] coordinate the development and implementation of inventory, storage and other materials, management policies and practices of the [county] County.

21-12. Master fire, rescue, and emergency medical services plan.

(a) The Commission must review the master fire, rescue, and emergency medical services plan on an ongoing basis, and must propose any
appropriate amendments to the Fire Chief, Executive, and Council. The
master plan must include at least:

*   *   *

(9) a program of action to coordinate with the [Department of] Office
of Emergency Management and Homeland Security, the
County’s fire prevention and control and emergency services
resources into County-wide, regional, State, and national
emergency management plans.

*   *   *


*   *   *

(g) List of Off-Site Property for Mitigation. The Planning Director should
develop and maintain a list of properties that may be suitable for off-site
mitigation required under forest conservation plans. The Planning
Director should develop the list in coordination with the County
Arborist, the Department of Environmental Protection, the Department
of [Public Works and] Transportation, the Department of General
Services, the Department of Economic Development, the Soil
Conservation District, and other appropriate agencies.

*   *   *


*   *   *

(c) Composition and terms of members.

*   *   *

(2) The Executive must designate a staff member from each of the
following departments to serve as an ex officio member:

(A) Economic Development;
(B) Environmental Protection; and
(C) [Public Works and] Transportation.

* * *

27-51. Commission-Composition and appointments; meetings; staff.
(a) Composition and appointment. There is a Commission on People with
Disabilities. The Commission has 25 voting members, and at least 5
nonvoting members, including:

* * *

(4) one nonvoting member from the:
(A) Department of Recreation;
(B) Department of [Public Works and] Transportation; and
(C) Human [Relations] Rights Commission; and

* * *

31-29. Uses prohibited.

* * *

(b) Notwithstanding [the provisions of] subsection (a), the County
Executive must establish, by regulation adopted under method (3),
procedures [for issuing] to issue written permits for the use of County
owned or leased and operated parking facilities for storage and off-street
parking purposes under the following conditions:
(1) Storage or parking restricted to areas of the facility designated by

the Department of [Public Works and] Transportation.

* * *

31-51. Enforcement and administration; fines and penalties; signs.

* * *

(d) Waivers and refunds. The Director of [the Department of Public Works
and] Transportation must submit a quarterly report to the County
Executive that identifies all fines, penalties, costs, and other charges that
have been waived or refunded as authorized under subsection (b)(2) and
(3).

* * *

31-52. Duties and responsibilities of the Department of [Public Works and]
Transportation.

(a) The Director of [the Department of Public Works and] Transportation
[shall provide for,] must maintain records of and control the issuance of
pre-numbered parking violation notices to the [department of police]
Department of Police and other departments authorized by the [county
executive] County Executive to enforce the [regulations and provisions
of this Code] law relative to illegal parking.

* * *

31-54. Duty of police officers or other authorized persons to issue notice of
violation [and report same].

* * *

(c) [Said] Each notice of violation shall instruct the owner or operator
[thereof], or either of them, to pay within [fifteen (15)] 15 days to the
Department of [Public Works and] Transportation as penalty [and in full
satisfaction] for [such] the violation, the fine specified by [the county
executive] Council resolution [as provided for in] under this [article]
Article, or to give written notice, within [fifteen (15)] 15 days, to the
Department, of the owner or operator's intention to stand trial for [said]
the violation in the [district court] District Court.

* * *

31-57. Failure to pay or comply; penalty in addition to fine.

* * *

- 26 -
Whenever the Department of [Public Works and] Transportation or its agent [is able to ascertain] can find, by reasonable access to state motor vehicle administration registration records, the name and address of the owner [thereof], the Department or agent [shall] must immediately [give or cause to be given a notice] notify the owner in writing [to such owner] that:

(1) the violation is overdue and delinquent, [but that]

(2) the additional penalty has been added, and [that]

(3) the owner's failure [to such owner] to [make such payment in full satisfaction of the violation] pay the entire fine and penalty[, shall render such] makes the owner subject to the warrant and other penalties provided by this Chapter.

31-69. Residential Traffic Management Areas.

* * *

(g) The Department of [Public Works and] Transportation must seek advice on any proposed plan from affected residents and other interested persons on an ongoing basis through regular open meetings and other reasonable means.

* * *


* * *

(b) Outside the license boundary.

* * *

(6) If the licensee or haulers do not remove spillage or other quarry-related road debris from a roadway promptly, the Department of [Public Works and] Transportation may arrange [for removal of] to remove the spillage or debris at the expense of the licensee and
hauliers. The licensee and all haulers using the quarry during the week the spillage occurred are jointly and severally responsible for this expense.

* * *

42A-9A. Traffic mitigation agreements for certain developments.

(a) (1) A traffic mitigation agreement that is required to be executed with the County under Article IV of Chapter 8 as a prerequisite to the issuance of a building permit must meet the requirements of this section.

* * *

(4) A traffic mitigation agreement executed under this Section is not intended to satisfy the requirements of the Growth Policy for exceeding staging ceiling limitations. Until the County Council adopts specific traffic mitigation or commuting goals in the Growth Policy, the goal of a traffic mitigation agreement [is] must be to have the percentage of non-driver trips employees make during the peak period equal the percentage of home-based work trips non-drivers make [within] in the policy area. The mitigation agreement should consider proximity to Metro and other relevant factors [set forth] listed in subsection (e). The percentage of non-driver trips the employees make during the peak period must not be lower than 15 percent or the percentage of home-based work trips using transit, whichever is greater. The percentage must not be higher than 35 percent. In determining the appropriate percentage of home-based work trips for non-drivers under this paragraph, the Department of [Public Works
and Transportation must use data of commuting patterns from the most recent census update.

(5) A traffic mitigation agreement executed as part of site plan review satisfies the requirements of this section. [After July 24, 1989, the] The Department of [Public Works and] Transportation should review and comment on [all such agreements] each agreement.

(6) The Department of [Public Works and] Transportation must submit [all] each proposed traffic mitigation [agreements] agreement to the Planning Department for review and comment.

(b) The permit applicant and the Department of [Public Works and] Transportation must execute a traffic mitigation agreement before a building permit is issued. If the applicant is not the owner of the property subject to the permit application, each owner of the property must also execute the traffic mitigation agreement if the agreement requires that owner to take any action. A traffic mitigation agreement executed by an owner must apply to all successors in interest to the owner of the property [for] during the term of the agreement. The owner must record the executed agreement in the County land records [of the County].

*   *   *

(e) In determining reasonable and otherwise appropriate provisions of a traffic mitigation agreement, the Director of [the Department of Public Works and] Transportation must consider, among other relevant factors:

*   *   *


In this Article, unless the context indicates otherwise:
Department means the Department of [Public Works and] Transportation.

Director means the Director of the Department of [Public Works and] Transportation or the Director’s designee.

47-2. Hours and places of operation.

(b) The Director may issue licenses for a limited number of stationary or slow-moving pushcarts or similar vehicles, not larger than a size set by regulation, from which a licensee may sell goods on designated sidewalks or rights-of-way in a Central Business District planning policy area (as defined in the County Growth Policy). The Director by regulation under method (2) must limit the number of vehicles licensed in each Central Business District and the number of licensees who can sell any particular type of goods. If more persons apply for any category of licenses under this subsection than the number available, the Director must first consider renewing each previous licensee and then conduct a lottery among qualified applicants for the remaining licenses. A licensee under this subsection may locate on a public right-of-way only if the Director of [Public Works and] Transportation concurs that the licensee’s operation at that location will not unduly affect vehicular or pedestrian safety.

48-1. Definitions.

In this Chapter, the following words and phrases have the following meanings:
Department: The Department of [Public Works and Transportation] Environmental Protection.

Director: The Director of the Department of [Public Works and Transportation] Environmental Protection, or the Director's designee.

* * *

48-3. Administration of chapter.

(a) The Director of [the Department of Public Works and Transportation administers] Environmental Protection must administer this Chapter.

(b) [The Chief Administrative Officer may assign the Department of Environmental Protection to enforce any specific provision of this Chapter. If the Chief Administrative Officer assigns or revokes the assignment of enforcement authority under this subsection, the Chief Administrative Officer must publish a notice of that action in the Montgomery County Register. The notice must specify whether any enforcement authority assigned to the Department of Environmental Protection is exclusive or shared with the Department of Public Works and Transportation.

(c) The Director may waive any requirement of this Chapter when:

(1) practical difficulties, undue hardships or other good cause prevents any person from carrying out this Chapter; and

(2) the waiver is not contrary to the spirit and intent of this Chapter and other applicable law, and does not materially impair the public welfare and safety.

(e) Any aggrieved party may appeal the grant or denial of a waiver to the County Board of Appeals under Section 48-28.

49-2. Resolving doubt as to location of County roads.
Whenever any doubt exists as to the proper location or width of a County road, the Director of [Public Works and] Transportation may cause the road to be surveyed and a description and plat made of it and recorded or filed in the County land records. This description and plat must be treated as correct by the County and in the State courts until shown to be incorrect.

49-3. Authority to classify road repairs.

The Director of [Public Works and] Transportation may decide whether a given road repair job should be classified as maintenance or construction under this Chapter.

49-9. Removal of items that obstruct the vision of motorists on public highways or interfere with the use of public rights-of-way.

(a) Notice to owner of property. If the Director of [Public Works and] Transportation finds that any tree, bush, vine, undergrowth, or other obstruction, except a building or similar structure affixed to the ground, on private property poses a threat to public safety by obstructing the vision of operators of vehicles traveling on any public street, road, or highway, interfering with the public rights-of-way as a traffic hazard, limiting access by Fire and Rescue Service vehicles, or restricting the use by pedestrians or bicyclists of the public rights-of-way, the Director promptly must serve on the owner, agent, lessee or any other person supervising the property a written notice that:

* * *

(c) Effect of failure to remove obstructions. When any person does not comply with any order issued under this Section within the time specified in the order, the Director of [Public Works and] Transportation must remove all or part of the obstruction as necessary to
eliminate the hazard or impediment. An agent of the Department may enter the property to take this action.

*   *   *


*   *   *

(g) Before the Director issues a permit under this Section to close a sidewalk, curb lane, or shared use path, the Director of [Public Works and] Transportation must approve a temporary traffic control plan. A professional engineer must certify for the applicant that the plan minimizes inconvenience to the public, provides necessary warnings, and includes safe and reasonable pedestrian alternatives in accordance with accepted engineering standards.

*   *   *


In this Chapter, except where specified otherwise, the following words and phrases have the meanings indicated:

*   *   *

Director: The Director of [Public Works and] Transportation or the Director of Permitting Services, as specified, and each Director’s [agent] designee.

*   *   *


*   *   *

(b) The Director of [Public Works and] Transportation may set a fee by method 2 regulations for the review of any plan or document submitted under Chapter 50 or this Chapter. Each fee must be based on the costs of reviewing any plan or document and any staff participation in the
subdivision process. The Department must provide a copy of each fee regulation to the Planning Board.

(c) The Department of [Public Works and] Transportation must make available to the public, free or at a reasonable cost, an up-to-date copy of all applicable County road design standards and specifications.


(a) The Director of [Public Works and] Transportation must consider installing traffic calming and bicycle- and pedestrian-friendly design features in any residential street over 1,000 feet long, minor arterial, business district street, and industrial street. Traffic calming features include raised crosswalks and raised intersections, traffic circle, medians, pedestrian refuge island, chokers, smaller centerline radii, parking cut-outs, and special paving and streetscaping in central business districts or other commercial areas.

49-31. Classification of roads.

(p) An Alley is a right-of-way intended to provide secondary service access to the rear or side of lots or buildings and not intended for transporting through traffic. An alley may be used to provide primary vehicular access if the Planning Board and the Director of [Public Works and] Transportation concur that the dimensions and specifications proposed in a project, preliminary subdivision, or site plan would provide adequate primary vehicular access.

49-32. Design standards for types of roads.
(e) Grass shoulders must be load bearing at any specific location designated by the Director of Permitting Services after consulting the Fire Chief and Director of Transportation.

* * *

49-33. Road construction requirements.

* * *

(b) The Department of Transportation must erect, or order a permittee to erect, name signs at each road intersection. If the Director of Transportation finds that traffic control or vehicular or pedestrian safety so requires, the Director may order a permittee to install traffic control signs, markings, or other devices on any right-of-way that will be publicly maintained.

* * *

(e) If a lot or lots front on a public road, the permittee must install sidewalks, curbs, and gutters, except on any Secondary or Tertiary Residential Street, or Service Drive fronting on any lot in a residential zone. This requirement does not apply if the minimum net lot area for a one-family detached dwelling in that zone is larger than 25,000 square feet, except that a sidewalk must be installed on any primary or higher classification road. However, the Planning Board may require sidewalks, curbs, and gutters in any such zone if the Board finds, as a condition of approval of a preliminary subdivision plan or site plan, that sidewalks, curbs, and gutters at that location are necessary to allow access:

(1) to a sidewalk;

(2) to a bus or other public transit stop;
(3) to an amenity or public facility that will be used by occupants of
the site or subdivision; or
(4) by persons with disabilities.

Before the Planning Board approves any requirement under the
preceding sentence, the Board must give the Departments of Permitting
Services and [Public Works and] Transportation a reasonable
opportunity to comment on the proposed requirement.

* * *

(h) If drainage structures are required for any particular class of road, the
Planning Board must require the applicant to install or construct
drainage structures that the Board finds are necessary or appropriate,
after reviewing a preliminary drainage study approved by the
Department of [Public Works and] Transportation, in accordance with
applicable design standards and specifications.

* * *

(j) Street trees.

(1) On public road rights-of-way, street trees must be planted in
accordance with design standards of the Department of [Public
Works and] Transportation. On private road rights-of-way and
easements, street trees must be planted in accordance with the
technical manual adopted by the Planning Board under Chapter
22A.

(2) The Department of Permitting Services, the Department of
[Public Works and] Transportation, and the staff of the Planning
Board should coordinate the specific location and species of
street tree plantings to promote compatibility of the plantings
with road function and safety, signage, maintenance, appropriate
visual buffering, utilities, other public or private improvements, and aesthetic considerations related to streetscape design.

(k) Ground cover.

* * *

(3) The Director of [Public Works and] Transportation, after consulting the Directors of Environmental Protection and Permitting Services, must issue guidelines that allow and encourage a property owner to place and maintain ground cover in the public right-of-way adjacent to the owner’s property. The guidelines must encourage use of ground cover that is environmentally sensitive and promotes conservation of natural resources and more sustainable landscaping, including plant species that:

(A) require reduced or no mowing, fertilizing, or other maintenance;

(B) are drought tolerant and require little watering at any time;

(C) do not inhibit growth of nearby trees; and

(D) include non-turf grasses.

* * *

(l) Curbs and gutters.

(1) A person must not install any curb or gutter in any portion of a road that is located in:

(A) an environmentally sensitive watershed area, including a Class III, Class IV, or high-quality Class I watershed, as designated by the Maryland Department of the Environment; or
(B) an area that the Department of Environmental Protection designates as environmentally sensitive, after giving the Department of [Public Works and] Transportation and the Planning Board a reasonable opportunity to comment.

* * *

49-40. Waivers of requirements of Article.

* * *

(c) * * *

(1) The Director of Permitting Services, after reviewing detailed plans and specifications of the proposed improvements, must recommend in writing, using waiver criteria developed by the Department of [Public Works and] Transportation, that the Executive should approve or disapprove the improvements proposed in the plans submitted by the applicant and state the reasons for the recommendation. The failure of the Director to act on the plans within 30 days after submission constitutes the Director’s support of the Executive granting the waiver.

* * *

49-62. Abandonment authority; scope of Article; procedures.

* * *

(b) Application. Any person or government agency may file an application with the Department of [Public Works and] Transportation to close or abandon any right-of-way. In this Article, unless the context clearly indicates otherwise, Department refers to the Department of [Public Works and] Transportation.

* * *
(h) Agencies. The government agencies and other parties from which the Executive must solicit a response are:

(1) the Department of [Public Works and] Transportation;

* * *

(i) Temporary closure. This Article does not apply to any temporary closure required by a construction traffic control plan if the closure does not last longer than 12 months. If special circumstances require that a temporary closure last longer than 12 months, the Director of [Public Works and] Transportation must apply to the Council for approval to extend the closure for a specified period that does not exceed 24 months. The Council by resolution may approve an extended temporary closure under this subsection without following the procedures in this Article.

49-65. Notice to Planning Board; filing subdivision plat.

(a) Not less than 30 nor more than 60 days after the Council adopts the resolution to approve an abandonment or closing, the Council Clerk must notify the Planning Board, the Directors of Permitting Services and [Public Works and] Transportation, and the County Attorney that the Council has authorized the abandonment or closing.

* * *

49-67. Notice of abandonment or closure.

Before abandoning or closing any right-of-way after Council approval under this Article, the Director of [Public Works and] Transportation must cause to be posted prominently in the area of the right-of-way, for at least 15 days after the Council action, a notice listing the date when the right-of-way will be abandoned or closed.

49-68. Abandonment of previously unused rights-of-way.
(b) The petitioner must notify:

(1) each person with a recorded financial interest in land abutting the right-of-way;

(2) the Department of [Public Works and] Transportation;

* * *

49-70. Designating means of access to certain highways.

* * *

(b) If any existing County road is classified as a Freeway or Controlled Major Highway:

(1) The Director of [Public Works and] Transportation may, by agreement or condemnation, restrict or limit the right of any owner of land abutting the Freeway or Controlled Major Highway to lay out or construct any new means of access to, from or across the abutting land to or from the Freeway or Controlled Major Highway or to enlarge or extend any existing means of access. The Director may[, from time to time,] designate points where access is permitted, or permit changes in existing means of access, consistent with any applicable master plan, on specified terms and conditions.

* * *

49-72. Control of use and access.

When any road has been constructed or designated as a Freeway or Controlled Major Highway, the Director of [Public Works and] Transportation:

* * *

49-73. Access to Freeway or Controlled Major Highway where it divides property under one ownership.
If real property held by one owner is severed by a Freeway or Controlled Major Highway, the Director of [Public Works and] Transportation may provide for access across the Freeway or Controlled Major Highway from one such tract to the other, either at grade or below or above grade, [upon] on such conditions as [prescribed] the Director sets. Any connecting road or roads must not be used for or in connection with the conduct of any roadside business or enterprise. If the affected land is no longer held under one ownership, the Department may discontinue any access road.

* * *

49-74. Right of access.
When a road is constructed as a Freeway or Controlled Major Highway, an owner of land abutting the road or other person must not have any right of access to, from, or across any abutting land to or from the Freeway or Controlled Major Highway. At the time of the construction of the Freeway or Controlled Major Highway or thereafter, the Director of [Public Works and] Transportation may designate points at which access will be permitted, on [terms and] conditions [as] the Director [may specify from time to time] sets.


* * *

(c) Composition and terms of members.

(1) The Committee has 17 members.

(2) The Executive must appoint a representative from each of the following departments as members:

(A) the Police Department;

(B) the Department of [Public Works and] Transportation; and

(C) one of the Regional Services Centers.

* * *
52-48. Findings; purpose and intent.

(i) The County’s findings are based [upon] on the adopted or approved plans, planning reports, capital improvements programs identified in this Article, and specific studies conducted by the Department of [Public Works and] Transportation and its consultants.

52-55. Credits.

(a) A property owner is entitled to a credit if the owner, before July 1, 2002, entered into a participation agreement, or a similar agreement with the state or a municipality, the purpose of which was to provide additional transportation capacity. A property owner is also entitled to a credit if the owner receives approval before July 1, 2002, of a subdivision plan, development plan, or similar development approval by the County or a municipality that requires the owner to build or contribute to a transportation improvement that provides additional transportation capacity. The Department of [Public Works and] Transportation must calculate the credit. The credit must equal the amount of any charge paid under the participation agreement. The Department may give credit only for building permit applications for development on the site covered by the participation agreement. The Department must not give a refund for a credit earned under this subsection.

(b) The Department of [Public Works and] Transportation must:
An applicant for subdivision, site plan, or other development approval from the County, Gaithersburg, or Rockville, or the owner of property subject to an approved subdivision plan, development plan, or similar development approval, may seek a declaration of allowable credits from the Department of [Public Works and] Transportation. The Department must decide, within 30 days after receiving all necessary materials from the applicant, whether any transportation improvement which the applicant has constructed, contributed to, or intends to construct or contribute to, will receive a credit under this subsection. If during the initial 30-day period after receiving all necessary materials, the Department notifies the applicant that it needs more time to review the proposed improvement, the Department may defer its decision an additional 15 days. If the Department indicates under this paragraph that a specific improvement is eligible to receive a credit, the Department must allow a credit for that improvement when taking action under paragraph 2.

*   *   *

Any property owner who, before May 1, 2001, built all or part of a project in the Clarksburg planning policy area which is listed in the impact tax transportation program (including building any road which would be widened under the program) is entitled to a credit equal to the reasonable cost of the improvement. The Department of [Public Works and] Transportation must calculate the credit. The Department must not give a refund for a credit earned under this subsection.

*   *   *

Chapter 53. TAXICABS [AND LIMOUSINES].

In this Chapter, unless the context indicates otherwise:

* * *

Department means the Department of [Public Works and] Transportation.

* * *

60-12. Administration and enforcement generally.

(a) [The] Subject to the terms and conditions of this Chapter, the Department of [Public Works and] Transportation administers and enforces this Chapter. [Subject to the terms and conditions of this Chapter, the] The Department [is responsible for acquiring, constructing, operating, and maintaining] must operate and maintain off-street parking facilities acquired and constructed by the County under this Chapter[, and for operating and maintaining off-street parking facilities] or leased to the County. The Department must review plans for off-street parking facilities that any person submits to qualify for the exemption from the special taxes prescribed in this Chapter. This section does not apply to off-street parking facilities the Revenue Authority leases from the County.

(b) The Department of General Services must acquire and build off-street parking facilities and renovate off-street parking facilities that will not remain open during the work.

60-14. Application for exemption; determination.

(a) Any property owner or lessee in any district may apply, in the following manner, for an exemption from the special taxes prescribed in this Chapter. On or before April 1 of the application year, the owner or lessee must file with the Department of [Public Works and] Transportation an application in the form and containing information
the Department requires to determine whether the Department should grant an exemption. [Whenever] If the Department grants an exemption for a particular property, the exemption continues for [any] each successive year unless there is a change in the number of parking spaces or in the floor area, number of employees, or any other factor governing the number of automobile parking spaces required to qualify for continued exemption. The property owner or lessee promptly must notify the Department [of Public Works and Transportation] of any change in qualifying factors. The Department may, [from time to time but] not more than once in any 12 month period, require any lessee or owner of exempt property to file an information return to determine whether the property meets the requirements for exemption. The exemption ends if the lessee or owner does not file the information return.

(b) The Department of [Public Works and] Transportation must determine whether to grant an exemption according to this Chapter, and must notify the applicant by mail of the [Department’s] determination.

(c) The applicant may, within 30 days after [the mailing of] the notice referred to in subsection (b) is mailed, appeal the determination [of the Department] to the appeal tax court for the County by delivering to the appeal tax court a petition stating:

1. the applicant’s name and address;
2. the name of the owner of the property;
3. the lessee, if any;
4. a description of the property;
5. the zoning classification of the property;
(6) the decision of the Department [of Public Works and Transportation]; and

(7) a brief statement of the grounds of the appeal.

The applicant must deliver a copy of the petition to the Department.

* * *

60-16. Purpose of parking lot funds.

* * *

(c) (1) Notwithstanding the [limitations] limits in subsection (a) or (b) or any other provision of this Chapter, the County Council may transfer revenue from parking fees to:

(A) [To] the fund of any urban district from which the fees are collected, as limited by Section 68A-4(a)(2)b;

(B) [To] fund activities of the Department of [Public Works and] Transportation to implement transportation system management under Section 42A-13 and Section 42A-23. Parking fee revenue transferred to fund activities in a transportation system management district must not exceed parking fees collected in that transportation system management district; and

(C) [To] fund activities of the Department of [Public Works and] Transportation in a parking lot district, other than any parking lot district where a transportation system management district is operating to:

(i) [To] promote, develop, and implement transit and ridesharing incentive programs; and

(ii) [To] establish cooperative County and private sector programs to increase ridesharing and transit usage.
Parking fee revenue transferred to fund these activities must derive only from parking fees collected in that parking lot district.

(2) In this subsection, "parking fee" means revenue from parking meters, parking permits, or any other user charge for parking.

* * *

Sec. 2. Any responsibility or right granted by law, ordinance, regulation, delegation of authority, contract, or other document to the Department of Public Works and Transportation in connection with designing, building, and maintaining County facilities (except maintaining or renovating public parking facilities under Chapter 60, as provided for under Section 1 of this Act), maintaining County vehicles and equipment, acquiring and disposing of real property not associated with roads, bridges, and other related transportation facilities, and operating mail, printing, and duplication services, is transferred to the Department of General Services.

Sec. 3. Any regulation in effect when this Act takes effect that implements a function transferred to another Department or Office under Section 1 of this Act continues in effect, but any reference in any regulation to the Department from which the function was transferred must be treated as referring to the Department to which the function is transferred. The transfer of a function under this Act does not affect any right of a party to any legal proceeding begun before this Act took effect.

Sec. 4. Any responsibility or right granted by law, ordinance, regulation, delegation of authority, contract, or other document to the Department of Economic Development in connection with the Small Business Reserve Program is transferred to the Department of General Services.

Sec. 5 Any responsibility or right granted by law, ordinance, regulation, delegation of authority, contract, or other document to the Department of Homeland
Security is transferred to the Office of Emergency Management and Homeland
Security.

Sec. 6. Any responsibility or right granted by law, ordinance, regulation,
delegation of authority, contract, or other document to the Department of Public
Works and Transportation in connection with solid waste is transferred to the
Department of Environmental Protection.

Sec. 7. Any duty or authority involving solid waste assigned by the County’s
Comprehensive Solid Waste Management Plan to the Department of Public Works
and Transportation and the Director of that Department are reassigned to the
Department of Environmental Protection and the Director of that Department,
respectively. Any reference in that Plan to the Department of Public Works and
Transportation or the Director of that Department must be treated as referring to the
Department of Environmental Protection and the Director of the Department of
Environmental Protection, respectively.

Sec. 8. Expedited Effective Date.
The Council declares that this legislation is necessary for the immediate
protection of the public interest. This Act takes effect on July 1, 2008.

Approved:

Michael J. Knapp, President, County Council

Approved:

Isiah Leggett, County Executive
This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

April 25, 2008

Date