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**By: Montgomery County and Prince George's County Delegations**

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **City of Takoma Park - Unification - Technical Corrections**  
3 **MC/PG 28-97**4 FOR the purpose of repealing certain obsolete references to the City of Takoma Park in  
5 Prince George's County in certain articles of the Annotated Code; correcting  
6 certain references to the City of Takoma Park in certain articles of the Annotated  
7 Code; and generally relating to the City of Takoma Park.

8 BY repealing

9 Article - Natural Resources  
10 Section 5-911  
11 Annotated Code of Maryland  
12 (1989 Replacement Volume and 1996 Supplement)

13 BY repealing and reenacting, with amendments,

14 Article 28 - Maryland-National Capital Park and Planning Commission  
15 Section 8-112(a)(1) and (2), and 8-112.2  
16 Annotated Code of Maryland  
17 (1993 Replacement Volume and 1996 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article 29 - Washington Suburban Sanitary District  
20 Section 3-202(a) and (b), 3-205(q), 3-207(a)(2), and 6-106(a)(1)  
21 Annotated Code of Maryland  
22 (1993 Replacement Volume and 1996 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Natural Resources**

26 [5-911.

27 (a) For a municipal corporation that is located in more than one county within the  
28 Maryland-Washington Regional District, a local project may be funded, in whole or in  
29 part, by funds from the allocation of any county in which a portion of the municipal

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1 corporation is located, regardless of the county in which the local project is or will be  
2 located.

3 (b) Each year a municipal corporation that is located in more than one county  
4 within the Maryland-Washington Regional District is entitled to a portion of the  
5 allocation of funds made to each county in which the municipal corporation is located.  
6 The Maryland-National Capital Park and Planning Commission shall calculate the  
7 portion for each county. The portion equals the population of the municipal corporation  
8 located within the county, divided by the population of the county, times the funds  
9 allocated to the county. The Maryland-National Capital Park and Planning Commission  
10 shall keep a record of the entitlement for each year.

11 (c) A municipal corporation that is located in more than one county within the  
12 Maryland-Washington Regional District shall follow the approval process under this  
13 subtitle to obtain approval to use funds from its entitlement for a local project. If a  
14 municipal corporation does not seek or does not obtain the necessary approval to use all  
15 of its entitlement in a given year, the funds may be used for other projects outside of the  
16 municipal corporation. However, the balance of the entitlement shall be carried on the  
17 records of the Maryland-National Capital Park and Planning Commission until it is used  
18 for a local project within the municipal corporation. The municipal corporation may  
19 submit applications to draw on the entitlement in future years until it is exhausted. The  
20 Maryland-National Capital Park and Planning Commission and each county shall use  
21 their best efforts to accommodate a request from a municipal corporation to use the  
22 balance of its entitlement in the year the request is received.

23 (d) This section applies notwithstanding any other provision of this subtitle.]

#### 24 **Article 28 - Maryland-National Capital Park and Planning Commission**

25 8-112.

26 (a) (1) Except as provided in paragraph (2) of this subsection AND FOR THE  
27 CITY OF TAKOMA PARK AS PROVIDED IN § 8-112.2 OF THIS SUBTITLE, within the  
28 regional district, the zoning powers vested by Article 66B of the Code in any municipality  
29 or council of any municipality within the regional district shall be construed to be vested  
30 exclusively in and may be exercised within their discretion only by the County Council of  
31 Montgomery County or the County Council of Prince George's County, each acting  
32 respectively as a district council.

33 (2) [Except for the City of Takoma Park as provided under § 8-112.2 of this  
34 subtitle, a] A municipal corporation in Prince George's County shall have concurrent  
35 jurisdiction with the County Council of Prince George's County to enforce zoning laws  
36 within its corporate limits.

37 8-112.2.

38 (a) The City of Takoma Park shall have concurrent jurisdiction to enforce the  
39 [Prince George's County and] Montgomery County zoning ordinances [, respectively,]  
40 within its corporate limits.

41 (b) A two-thirds majority vote of both the planning board and the district council  
42 of [Prince George's County or] Montgomery County is required to take any action

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1 relating to zoning within the City of Takoma Park that is contrary to a resolution of the  
2 Mayor and City Council of Takoma Park.

3 (c) A two-thirds majority vote of the planning board of [Prince George's County  
4 or] Montgomery County is required to take any action relating to land use planning  
5 within the City of Takoma Park that is contrary to a resolution of the Mayor and City  
6 Council of Takoma Park.

7 (d) The planning board or district council of [Prince George's County or]  
8 Montgomery County shall take action only in regard to zoning or land use planning  
9 matters within their respective counties.

#### 10 **Article 29 - Washington Suburban Sanitary District**

11 3-202.

12 (a) (1) Except as provided in paragraphs (2) and (3) of this subsection, on and  
13 after July 1, 1987, each county shall exercise within its boundaries all the rights, powers,  
14 and duties relating to stormwater management, including those formerly exercised by the  
15 WSSC.

16 (2) Prince George's County may not exercise this authority within the City  
17 of Bowie unless the City and the County otherwise agree.

18 (3) Montgomery County [and Prince George's County] may not exercise  
19 this authority within the City of Takoma Park unless the City and the [counties]  
20 COUNTY otherwise agree.

21 (b) (1) Prince George's County may establish a stormwater management  
22 district, which may include all the land within the boundaries of Prince George's County,  
23 except for the land within the City of Bowie [and the land within the City of Takoma  
24 Park].

25 (2) Montgomery County may establish a stormwater management district,  
26 which may include all the land within its boundaries, except for the land within the City  
27 of Takoma Park.

28 (3) Within its district, each county shall exercise all the rights, powers, and  
29 responsibilities for stormwater management, as defined in this subtitle, in order to make  
30 available to the residents and property owners of the district an efficient, operating  
31 service with adequate facilities for development and promotion of the safety of life and  
32 property.

33 (4) The district shall be a special taxing district for the purpose of  
34 stormwater management. The counties may establish one or more special taxing areas  
35 within their districts.

36 3-205.

37 (q) The provisions of this section may not impair the rights of the City of Takoma  
38 Park or the rights of Prince George's County to contract with each other, or with other  
39 parties, for the provision of stormwater management. [Prince George's County shall, to  
40 the extent possible, provide an opportunity for the City of Takoma Park to participate in

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1 any stormwater maintenance contract which the County may enter into with a private  
2 provider.]

3 3-207.

4 (a) (2) (i) If Prince George's County, the City of Bowie, the City of Takoma  
5 Park, or Montgomery County prepares a stormwater management plan, system, or design,  
6 or if a stormwater management plan, system, or design has been submitted to the City of  
7 Bowie, the City of Takoma Park, Montgomery County, or Prince George's County, the  
8 city or the county shall submit a copy of the plan, system, or design to the WSSC. After  
9 the submission, the WSSC shall have a specified, reasonable time to review and comment  
10 on the plan, system, or design to the city or the county to indicate any conflicts in the  
11 plan, system, or design with the existing or planned water supply or sanitary sewer systems  
12 of the WSSC. The approval by Prince George's County, Montgomery County, the City of  
13 Bowie, or the City of Takoma Park shall avoid any of the conflicts identified by the  
14 WSSC.

15 (ii) When the WSSC receives a copy of a plan from the City of Bowie,  
16 the WSSC shall promptly provide a copy to the County Council and County Executive of  
17 Prince George's County for review and comment.

18 (iii) When the WSSC receives a copy of a plan from the City of Takoma  
19 Park, the WSSC shall promptly provide a copy to the County Council and County  
20 Executive of Montgomery County [and the County Council and County Executive of  
21 Prince George's County] for review and comment.

22 (iv) When Prince George's County receives a plan that provides for  
23 drainage into any City of Bowie storm drain or stormwater management facility or onto  
24 any City of Bowie easement, the County shall promptly provide a copy of the plan to the  
25 City of Bowie for review and comment.

26 6-106.

27 (a) (1) The Montgomery County Council shall levy a direct ad valorem tax on  
28 all property assessed for tax purposes within Montgomery County and municipalities in  
29 the county. With the exception of [that portion of] the City of Takoma Park [in  
30 Montgomery County], the ad valorem tax shall not exceed 1 cent per \$100 of assessed  
31 valuation. This tax shall be in an amount necessary to pay the sums required for the  
32 maintenance of:

33 (i) Storm drainage systems in that portion of the sanitary district in  
34 Montgomery County and previously maintained by the WSSC; and

35 (ii) On application of a municipality, those storm drainage systems  
36 previously maintained by the municipality.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 July 1, 1997.