
By: Montgomery County and Prince George's County Delegations

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 17, 1997

CHAPTER ____

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; repealing a certain restriction concerning the jurisdiction of the district
8 councils and planning boards in Montgomery County and Prince George's County;
9 and generally relating to the City of Takoma Park.

10 BY repealing

11 Article - Natural Resources
12 Section 5-911
13 Annotated Code of Maryland
14 (1989 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article 28 - Maryland-National Capital Park and Planning Commission
17 Section 8-112(a)(1) and (2), and 8-112.2
18 Annotated Code of Maryland
19 (1993 Replacement Volume and 1996 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article 29 - Washington Suburban Sanitary District
22 Section 3-202(a) and (b), 3-205(q), 3-207(a)(2), and 6-106(a)(1)
23 Annotated Code of Maryland

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1 (1993 Replacement Volume and 1996 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Natural Resources**

5 [5-911.

6 (a) For a municipal corporation that is located in more than one county within the
7 Maryland-Washington Regional District, a local project may be funded, in whole or in
8 part, by funds from the allocation of any county in which a portion of the municipal
9 corporation is located, regardless of the county in which the local project is or will be
10 located.

11 (b) Each year a municipal corporation that is located in more than one county
12 within the Maryland-Washington Regional District is entitled to a portion of the
13 allocation of funds made to each county in which the municipal corporation is located.
14 The Maryland-National Capital Park and Planning Commission shall calculate the
15 portion for each county. The portion equals the population of the municipal corporation
16 located within the county, divided by the population of the county, times the funds
17 allocated to the county. The Maryland-National Capital Park and Planning Commission
18 shall keep a record of the entitlement for each year.

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

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

32 **Article 28 - Maryland-National Capital Park and Planning Commission**

33 8-112.

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

41 (2) [Except for the City of Takoma Park as provided under § 8-112.2 of this
42 subtitle, a] A municipal corporation in Prince George's County shall have concurrent

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1 jurisdiction with the County Council of Prince George's County to enforce zoning laws
2 within its corporate limits.

3 8-112.2.

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

7 (b) A two-thirds majority vote of both the planning board and the district council
8 of [Prince George's County or] Montgomery County is required to take any action
9 relating to zoning within the City of Takoma Park that is contrary to a resolution of the
10 Mayor and City Council of Takoma Park.

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

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

18 **Article 29 - Washington Suburban Sanitary District**

19 3-202.

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

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

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

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

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

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

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

4 3-205.

5 (q) The provisions of this section may not impair the rights of the City of Takoma
6 Park or the rights of Prince George's County to contract with each other, or with other
7 parties, for the provision of stormwater management. [Prince George's County shall, to
8 the extent possible, provide an opportunity for the City of Takoma Park to participate in
9 any stormwater maintenance contract which the County may enter into with a private
10 provider.]

11 3-207.

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

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

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

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

34 6-106.

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

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

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

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