

Introduced November 4, 2019
Public Hearing November 18, 2019
Council Action December 2, 2019
Executive Action December 6, 2019
Effective Date February 5, 2020

County Council of Howard County, Maryland

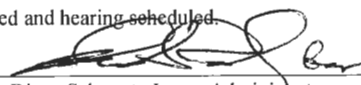
2019 Legislative Session

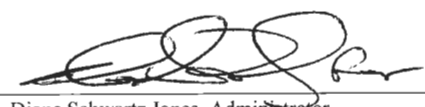
Legislative Day No. 13

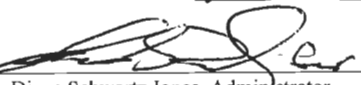
Bill No. 66 -2019

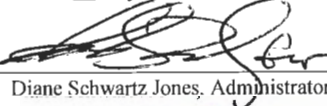
Introduced by: The Chairperson

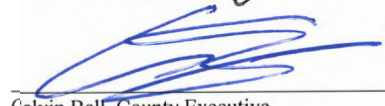
AN ACT to legalize the 2019 Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and published by Municipal Code Corporation; to provide for the Code's periodic supplement; and to declare that the Code shall be the evidence of the public local laws of Howard County; and to make technical, non-substantive corrections to the Code.

Introduced and read first time November 4, 2019. Ordered posted and hearing scheduled.
By order 
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 18, 2019.
By order 
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 2, 2019 and Passed , Passed with amendments , Failed .
By order 
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of December, 2019 at 4:30 p.m.
By order 
Diane Schwartz Jones, Administrator

Approved/Vetoed by the County Executive December 6, 2019

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Section 210(c) of the Howard County Charter requires the Howard County Council
2 to provide for a compilation and codification of all public local laws of the County; and

3
4 **WHEREAS**, by passage of Council Bill No. 15-1977, the Council adopted a codification of the
5 public local laws, enacted by the Council pursuant to the Home Rule Amendment to the State
6 Constitution and operating within Howard County; and

7
8 **WHEREAS**, Council Bill No. 18-2009 (effective June 9, 2009) legalized the 2008 Edition of the
9 Howard County Code; and

10
11 **WHEREAS**, substantial changes have occurred in the local laws of Howard County since the
12 last codification; and

13
14 **WHEREAS**, the changes below in Section 1 of this bill reflects technical, non-substantive
15 corrections to the Howard County Code.

16
17 **Section 1. *Be It Enacted*** by the County Council of Howard County, Maryland, that the Howard
18 County Code is amended as follows:

19 *By amending:*

20 *Title 2, Administrative Procedure*

21 *Footnotes*

22
23 *Title 3, Buildings*

24 *Section 3.822 – “COMAR regulations”*

25
26 *Title 4, Contracts, Purchasing and Property*

27 *Footnotes*

28
29 *Title 4, Contracts, Purchasing and Property*

30 *Section 4.200 – “Acquisition of real property.”*

1 Title 5, County Council

2 Footnotes

3
4 Title 5, County Council

5 Section 5.100. – “Establishment.”

6
7 Title 5, County Council

8 Section 5.101. – “Purpose.”

9
10 Title 8, Crimes and Misdemeanors

11 Section 8.900 – “Noise affecting residential areas.”

12
13 Title 10, Elections and Election Districts

14 Section 10.200 – “Election districts.”

15
16 Title 12, Health and Social Services.

17 Footnotes.

18
19 Title 12, Health and Social Services.

20 Section 12.101. – “Board of Health.”

21
22 Title 12, Health and Social Services.

23 Section 12.110. – “Nuisances.”

24
25 Title 20, Taxes, Charges, and Fees

26 Sec. 20.129G(a)(2). – “Property tax credit for real property owned by certain 9-
27 1-1 Public Safety Telecommunicators.”

28
29 Title 13, Housing and Community Development

30 Section 13.704 – “Use of Funds.”

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Title 13, Housing and Community Development
Section 13.800 – “Definitions.”
Subsection (h)

Title 13, Housing and Community Development
Section 13.1106 - Public hearing; approval of project.
Subsection (a)

Title 13, Housing and Community Development
Section 13.1110 – “Bonds; how issued.”

Title 13, Housing and Community Development
Section 13.1303 – “Definitions.”
Subsections (f) and (g)(2)

Title 13, Housing and Community Development
Section 13.1305 – “Composition; appointments; terms.”
Subsection (a)(2)(i)

Title 13, Housing and Community Development
Section 13.1307 – “Chairperson; liaison to the Housing and Community
Development Board; staff; legal services.”
Subsections (b) and (c)

Title 13, Housing and Community Development
Section 13.1308 – “Voting; meetings.”
Subsection (b)

Title 13, Housing and Community Development

1 *Section 13.1314 – “Rental and tenant selection.”*

2 *Subsection (b)*

3
4 *Title 14, Licenses, Permits and Inspections*

5 *Section 14.405 – “Franchisee subject to other laws, police power.”*

6
7 *Title 16, Planning, Zoning and Subdivisions and Land Development Regulations.*

8 *Footnotes.*

9
10 *Title 16, Planning, Zoning and Subdivisions and Land Development Regulations.*

11 *Section 16.600. – “Historic Preservation Commission.”*

12
13 *Title 16, Planning, Zoning and Subdivisions and Land Development Regulations.*

14 *Section 16.1201(u). – “Definitions.”*

15
16 *Title 17, Public Protection Services*

17 *Section 17.305B – “Tethers for dogs.”*

18 *Subsection (c)*

19
20 *Title 17, Public Protection Services*

21 *Section 17.1008 – “Required information.”*

22 *Subsection (c)*

23
24 *Title 19, Recreation and Parks.*

25 *Footnotes.*

26
27 *Title 20, Taxes, Charges, and Fees*

28 *Section 20.121 – “Community associations.”*

29 *Subsections (d) and (e)*

30

1 Title 24, Civil Penalties.

2 Section 24.100. – “Purpose.”

3
4 Title 2, Administrative Procedure.

5 Subtitle 2, Rules of Procedure of the Board of Appeals.

6
7 Title 28, Downtown Columbia.

8 Sec. 28.100. – “Legal authority, findings, purpose, and legislative intent.”

9
10 Title 28, Downtown Columbia.

11 Sec. 28.103. – “Downtown Columbia Partnership established.”

12
13 Title 28, Downtown Columbia.

14 Sec. 28.104. – “Charter provisions inapplicable.”

15
16 Title 28, Downtown Columbia.

17 Sec. 28.119. – “Procurement.”

18
19 **Footnotes:**

20 --- (2) ---

21 **Editor's note**— C.B. 115, 1981, repealed and reenacted subtitle 2 to read as set
22 out in §§ 2.200—2.218. Formerly, subtitle 2, §§ 2.200—2.220, was derived from
23 C.B.'s 22, 1969; 105, 1980; 113, 1980. Subsequently, subtitle 2 was amended by
24 C.B. 95, 1989 to read as set out in §§ 2.200—2.213. It had been further amended
25 by C.B.'s 18, 1987, and 67, 1988.

26 State Law reference— Board of appeals, Ann. Code of Md. [[art. 25A, § 5(U)]].

27 LOCAL GOVERNMENT ARTICLE, SECTION 10-305.

28
29 **Title 3. Buildings.**

30 **Subtitle 8. On-Site Sewage Disposal Systems.**

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Sec. 3.822. - COMAR regulations.

This subtitle shall not be construed to repeal or affect any powers of the State of Maryland State Department of the Environment under the provisions of the [[health-environment article]] ENVIRONMENT ARTICLE of the Annotated Code of Maryland or COMAR.

Title 4. Contracts, Purchasing and Property.

Footnotes:

--- (1) ---

State Law reference— General authority relative to purchasing and property, Ann. Code of Md. [[art. 25A, § 5(B), (F)]], LOCAL GOVERNMENT ARTICLE, SECTIONS 10-310 AND 10-312.

Subtitle 2. Real Property.

Sec. 4.200. - Acquisition of real property.

The County Executive is authorized to acquire, by purchase, gift or lease for public purposes, as such purposes are set forth in any capital improvement expenditure appropriation ordinance, the fee simple or leasehold or such other interest as the County Executive may deem to be necessary or desirable in any real property located within the County, including any or all property rights, interest, easements or franchises in the same. If the County Executive is unable to agree with the owner or owners on the purchase price of such property or interest therein, he shall thereupon request the County Council to authorize and direct the office of law to institute, in the name of the County, the necessary legal action to acquire by condemnation the real property or any interest therein. No resolution authorizing and directing the condemnation of any interest in real property shall be adopted by the Council until after the owner or owners of the subject real property shall have had an opportunity to be heard by the Council in open hearing after due notice. A public hearing held pursuant to this section shall be limited to the question of necessity for the taking and no issue of value of the land which is the subject of the

1 condemnation proceeding can be raised. No real property or interest therein shall be purchased,
2 by condemnation or otherwise, unless funds for the same shall have been included in the capital
3 budget, the award of a condemnation jury notwithstanding. All such purchases herein provided
4 for shall be accomplished in accordance with budgetary procedures as described in the Howard
5 County Charter. All necessary legal proceedings shall be accomplished in accordance with
6 [[article 21 of the Code of Public General Laws of Maryland and the rules of court adopted
7 pursuant thereto]] TITLE 12 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF
8 MARYLAND AND OF TITLE 12, CHAPTER 200 OF THE MARYLAND RULES.

9
10 Title 5. County Council.

11 Subtitle 1. Compensation Review Commission.

12
13 **Footnotes:**

14 --- (1) ---

15 **Editor's note**— Former sub. 1, §§ 5.100—5.104, related to the compensation review
16 commission and was derived from C.B. 19, 1981. By the terms of the bill the Commission was
17 terminated on April 30, 1982. The provisions of sub. 1 have, therefore, been deleted.

18 Subsequently, C.B. 7, 1985, added a new sub. 1, §§ 5.100—5.104, relating to the same subject.

19 **State Law reference**— Authority to provide for County Council Compensation Review
20 Commission, Ann. Code of Md. [[art. 25A, § 5(AA)], LOCAL GOVERNMENT ARTICLE,
21 SECTION 10-302.

22
23 **Sec. 5.100. - Establishment.**

24 There is hereby established a Compensation Review Commission pursuant to the authority of
25 [[article 25A, section 5(AA),]] THE LOCAL GOVERNMENT ARTICLE, SECTION 10-302 of
26 the Annotated Code of Maryland and the mandate of section 202(d) of the Howard County
27 Charter.

28
29 **Sec. 5.101. - Purpose.**

30 The Commission shall submit recommendations to the County Council relative to the

1 compensation and allowances to be paid to members of the County Council in accordance with
2 the provisions of [[article 25A, section 5(AA)]] THE LOCAL GOVERNMENT ARTICLE,
3 SECTION 10-302 of the Annotated Code of Maryland. The Commission shall also review the
4 County Executive's compensation and allowance and submit recommendations to the County
5 Council pursuant to subsection 302(e) of the Howard County Charter.

6
7 **Title 8. Crimes and Misdemeanors.**

8 **Subtitle 9. Noise.**

9
10 **Sec. 8.900. - Noise affecting residential areas.**

11 (b) Noise Standards for Residential Areas as Receiving Property.

12 (1) Except as provided in paragraph (2) of this subsection and in
13 subsection (d) of this section, a person may not cause or permit noise levels emanating from any
14 property, such that the levels received on residential property exceed the levels contained in
15 [[table 2 of COMAR 26.02.03.03A.(1)]] TABLE 1 OF COMAR 26.02.03.02B.(1).

16 (2) A person may not cause or permit noise levels emanating from
17 construction or demolition-site activities that exceed:

18 (i) During daytime hours, 90 dBA; or

19 (ii) During nighttime hours, the levels specified in table [[2 of
20 COMAR 26.02.03.03A.(1)]] TABLE 1 OF COMAR 26.02.03.02B.(1).

21
22 **Title 10. Elections and Election Districts.**

23 **Subtitle 2. Election Districts.**

24
25 **Sec. 10.200. - Election districts.**

26 Pursuant to [[article 25A, subsection 5(h)]] SECTION 10-306 OF THE LOCAL
27 GOVERNMENT ARTICLE OF the Annotated Code of Maryland, Howard County is divided
28 into six election districts. The boundaries of the election districts are as follows:

29
30 **Title 12. Health and Social Services.**

1
2 **Footnotes:**

3 --- (2) ---

4 **Editor's note**— Section 1 of C.B. 6, 1985, repealed former sub. 1, relating to the Board of
5 Health, §§ 12.100—12.119; and § 2 enacted a new sub. 1, §§ 12.100—12.112. Formerly, sub. 1
6 was derived from the following Council bills: 33, 1969; 5, 1970; 21, 1970; 47, 1972; 8, 1973; 17,
7 1981; 46, 1983.

8
9 **State Law reference**— Authority to legislate for public health purposes, Ann. Code of Md. [[art.
10 25A, § 5(J), (T), (Y)], LOCAL GOVERNMENT ARTICLE, SECTIONS 10-317, 10-327, 10-
11 328.

12
13 **Subtitle 1. Health Code.**

14
15 **Sec. 12.101. - Board of Health**

16 **Editor's note**— Section 101 of C.B. 62, 1988, declared the bill effective July 1, 1989.

17
18 **State Law reference**— Local boards of health authorized, [[Ann. Code of Md. art. 25A, § 5(Y);
19 local boards of health,]]ANN. CODE OF MD., LOCAL GOVERNMENT ARTICLE, SECTION
20 10-327, Ann. Code of Md., Health-General article, § 3-201 et seq.

21
22 **Sec. 12.110. - Nuisances.**

23 **State Law reference**— General power relative to nuisances, Ann. Code of Md. [[art. 25A, §
24 5(J)], LOCAL GOVERNMENT ARTICLE, SECTION 10-328; nuisance control, Ann. Code of
25 Md., Environment article, § 10-101 et seq.

26
27 **Title 14. Licenses, Permits and Inspections.**

28 **Subtitle 4. Howard County Cable Television Systems Franchise Act.**

29
30 **Sec. 14.405. - Franchisee subject to other laws, police power.**

- 1 (b) Electrical inspection fees imposed under [[subsections 3.215(h) and (i)]] SECTION
2 3.222 of this Code;
- 3 (c) Plumbing, gasfitting and on-site utility permit fees imposed under [[subsection
4 3.305(k)]] SECTION 3.305(J) of this Code;
- 5 (d) Grading permit fees imposed under [[subsection]] SECTION 3.404(c) of this Code;
- 6 (e) Water and sewer connection charges imposed under section [[20.308]] 20.608 of
7 this Code;
- 8 (f) Water and sewer in-aid-of construction charges imposed under section [[20.311]]
9 20.611 of this Code; and
- 10 (g) The building excise tax imposed under [[subtitle 11 of title 20 of the Howard
11 County Code]] TITLE 20, SUBTITLE 5 OF THIS CODE.

12
13 **Subtitle 8. Rental Housing Development Program.**

14
15 **Sec. 13.800. - Definitions.**

16 **In this subtitle the following words have the meanings indicated:**

- 17 (h) Imputed income limitation means the income limitation that would apply under
18 subsection [[13.807(a)]] 13.807(B) to a household of low or moderate income if
19 the number of individuals in the household were as follows:(1)In case of a unit
20 that does not have a separate bedroom, one individual; or(2)In the case of a unit
21 that has one or more separate bedrooms, 1.5 individuals for each separate
22 bedroom.

23
24 **Subtitle 11. Urban Renewal.**

25
26 **Sec. 13.1106. - Public hearing; approval of project.**

27 Prior to final approval of an urban renewal project, the County Council shall:

- 28 (a) Submit the plans to the [[Office of Planning and Zoning]] PLANNING COMMISSION, for
29 its review and recommendations only. The [[Office of Planning and Zoning's]]

1 PLANNING COMMISSION'S recommendations shall be submitted within 60 days after
2 receipt of the plans.

3
4
5 **Sec. 13.1110. - Bonds; how issued.**

6 Both the revenue bonds and general obligation serial bonds issued under this subtitle
7 shall be authorized by resolution of the County Council for Howard County and may be issued in
8 one or more series and shall bear such date or dates, be payable upon demand or mature at such
9 time or times, bear interest at such rate or rates, NOT EXCEEDING SIX PER CENTUM PER ANNUM, be
10 in such denomination or denominations, be in such form, either with or without coupon or
11 registered, carry on such conversion or registration privileges, have such rank or priority, be
12 executed in such manner, be payable in such medium of payment, at such place or places, and be
13 subject to such terms of redemption (with or without premium), be secured in such manner, and
14 have such other characteristics, as may be provided by such resolution or trust indenture or
15 mortgage issued pursuant thereto. Such bonds shall not be subject to the provisions of sections 9,
16 10 and 11 of article 31, Maryland Code, 1957 Edition, as amended.

17
18 **Subtitle 13. Howard County Housing Commission Articles of Organization.**

19
20 **Sec. 13.1303. - Definitions.**

21 The terms used in this subtitle shall have the meanings indicated in this section.

22 (f) *Housing authorities law* means [[article 44A of the Annotated Code of
23 Maryland]] TITLE 12 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE
24 ANNOTATED CODE OF MARYLAND, as amended.

25 (g) *Housing development* means any work or undertaking:

- 26 (2) To provide decent, safe, and sanitary living accommodations for
27 persons of eligible income and, to the extent authorized in
28 accordance with subsection [[13.1012(p)]] 13.1312(P) of this
29 subtitle, for other persons; such work or undertaking, or portion
30 thereof, may include buildings, land, equipment, facilities, and

1 other real or personal property for necessary, convenient, or
2 desirable appurtenances, streets, sewers, water service, parks, site
3 preparation, gardening, administrative, community, health,
4 recreational, educational, welfare, or other purposes; or
5

6 **Sec. 13.1305. - Composition; appointments; terms.**

7 (a) *Appointment:*

8 (2) *Nonvoting Commissioner:*

9 (i) The Commission shall have an additional nonvoting Commissioner
10 who shall be a member of the Housing and Community
11 Development Board selected in accordance with subsection
12 [[13.501(d)]] 13.201(D) of this Code.
13

14 **Sec. 13.1307. - Chairperson; liaison to the Housing and Community Development Board;**
15 **staff; legal services.**

16 (b) *Liaison to the Housing and Community Development Board.* By majority vote of
17 all Commissioners, the Commission shall annually select from among its
18 Commissioners a liaison to the Housing and Community Development Board who
19 shall serve as a nonvoting ex officio member of the Housing and Community
20 Development Board in accordance with subsection [[13.501(c)(2)]] 13.201(D) of
21 this Code.

22 (c) *Employment of Staff.* Subject to section [[13.1017]] 13.1317 of this subtitle, the
23 Commission may employ an Executive Director, technical experts and other
24 officers, agents and employees, permanent and temporary, and shall determine
25 their qualifications, duties and compensation.
26

27 **Sec. 13.1308. - Voting; meetings.**

28 (b) *Open Meetings.* The Commission shall meet in open session as required by the
29 Open Meetings [[Law, section 10-501 et seq. of the State Government]] ACT
30 FOUND IN TITLE 3 OF THE GENERAL PROVISIONS Article of the Annotated Code of

1 Maryland, as amended. Agendas shall be made available at least five business
2 days prior to the meeting in an electronic medium readily available to the public.
3 Minutes of open meetings shall be made available as soon as practicable in at
4 least one electronic medium readily available to the public.
5

6 **Sec. 13.1314. - Rental and tenant selection.**

7 (b) Exception Regarding Income of Tenants. The requirements of subsection (a) of
8 this section may not apply to those rental units not required to be occupied by
9 persons of eligible income under subsection [[13.1012(p)]] 13.1312(p) of this
10 subtitle.
11

12 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

13 **Subtitle 3. Board of Appeals.**

14
15 **Footnotes:**

16 **--- (4) ---**

17 **Editor's note**— C.B. 94, 1989 amended subtitle 3 to read as set out in §§ 16.300—16.303. The
18 subtitle formerly consisted of §§ 16.300—16.306 and was derived from C.B.'s 1, 1969; 38,
19 1973; 3, 1974; 105, 1980; 72, 1981; 4, 1986; 18, 1987; 34, 1987; 67, 1988; 69, 1988. C.B.
20 49, 2001, § 1, amended § 16.301, and amended and renumbered §§ 16.302 and 16.303,
21 specifically renumbered as §§ 16.307 and 16.308 to accommodate new §§ 16.302—16.306.

22 **Cross reference**— Forest conservation, appeals, § 16.1214.

23 **State Law reference**— Board of appeals, Ann. Code of Md. [[art. 25A, § 5(U)]] , LOCAL
24 GOVERNMENT ARTICLE, SECTION 10-305.

25
26 **Subtitle 6. Historic Preservation Commission.**

27
28 **Sec. 16.600. - Purpose.**

29 The regulations set forth in this subtitle are adopted pursuant to the authority of [[article
30 25A,]] THE Local Government Article, section 10-325 of the Annotated Code of Maryland

1 2013, as amended, to regulate construction, alteration, reconstruction, moving and demolition of
2 structures of historic, architectural, and archeological value, together with their appurtenances
3 and environmental settings within respective specified limits. These regulations are designed to
4 safeguard the heritage of the County by preserving districts herein which reflect elements of its
5 cultural, social, economic, political or architectural history; to stabilize and improve the property
6 values in such districts in the County; to foster civic beauty; to strengthen the local economy; and
7 to promote the use and preservation of such historic districts in the County for the education,
8 welfare and pleasure of the residents of the County.

9 These regulations are also intended to promote the preservation of the County's historic
10 resources by establishing the Historic Preservation Commission, which shall be the steward of
11 the historic preservation plan and serve as a resource available to provide advice and counsel to
12 Howard County agencies, Boards, Commissions, and property owners regarding historic sites,
13 either within or outside the boundaries of historic districts.

14 **Subtitle 12. Forest Conservation.**

15 **Sec. 16.1201. - Definitions.**

16
17 (u) Other terms which are defined in the Natural Resources Article section 5-
18 1601, "Definitions," Annotated Code of Maryland, COMAR 08.19.01.03, "Definitions,"
19 and COMAR [[08.19.03]] 08.19.03.01, article II, "Forest and Tree Conservation Definitions,"
20 are incorporated by reference and shall apply to this subtitle for any terms which are not defined
21 in this section or the Manual.

22 **Title 17. Public Protection Services.**

23 **Subtitle 3. Animals.**

24 **Sec. 17.305B. - Tethers for dogs.**

25 (c) *Generally prohibited.* Except as otherwise provided in subsection [[(c)] (D) of
26 this subsection, an owner may not keep a dog on a tether.

1 **Subtitle 10. Landlord-Tenant Relations.**

2
3 **Sec. 17.1008. - Required information.**

4 (c) *Rental Housing License.* If the owner fails to provide the notice required by
5 subsection [(a)(4)] (A)(2)(IV) of this section, the tenant may, at any time before the rental
6 housing license is obtained, terminate the lease without penalty and the owner shall return the
7 tenant's security deposit in compliance with section 8-203 of the Real Property Article of the
8 Maryland Code.

9
10 **Title 19. Recreation and Parks.**

11
12 **Footnotes:**

13 **--- (1) ---**

14 **State Law reference**— County powers relative to recreation and parks, Ann. Code of Md. [[art.
15 25A, § 5(V)], LOCAL GOVERNMENT ARTICLE, TITLE 19.”

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19
20 **Title 20. Taxes, Charges, and Fees.**

21 **Subtitle 1. Real Property Tax; Administration, Credits, and Enforcement.**

22
23 **Sec. 20.121. - Community associations.**

24 (d) *Application for Tax Credit.* Applications for the tax credits provided in this
25 section shall be filed with the Director of Finance. Such application shall be submitted on forms
26 prepared and furnished by the Director of Finance and shall contain a declaration preceding the
27 signature of the duly authorized representative of the Applicant to the effect that such application
28 is made under [[article 24, § 1-105]] § 20-102 OF THE LOCAL GOVERNMENT ARTICLE of the
29 Annotated Code of Maryland. The Director of Finance shall approve or disapprove any
30 application filed pursuant to this section within 30 days of receipt of such application and shall

1 notify the Applicant of his decision at the address set forth in the application. Decisions of the
2 Director of Finance relating to this section shall be appealable to the Board of Appeals within 30
3 days pursuant to the provisions of article V of the Howard County Charter and title 2 of this
4 Code. Applications shall be received by the Director of Finance not later than October 1 of the
5 taxable year for which the credit is claimed. This credit may apply only to taxes which initially
6 accrue on or after July 1, 1977.

7 (e) *Annual Reports.* Each community association granted a tax credit pursuant to this
8 section shall file annually with the Director of Finance a report confirming that it is a community
9 association and that the property for which the tax credit was originally granted continues to
10 comply with the requirements of paragraph (b) of this section. Such reports shall be submitted on
11 forms prepared and furnished by the Director of Finance and shall contain a declaration
12 preceding the signature of the authorized representative of the Applicant that such report is made
13 under [[Article 24, § 1-105]] § 20-102 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated
14 Code of Maryland. Such report shall be received by the Director of Finance not later than
15 October 1 of each taxable year for which the tax credit to any community association shall be
16 continued.

17 **Title 24. Civil Penalties.**

18 **Footnotes:**

19 **-- (1) ---**

20 **State Law reference**— Civil penalties authorized, Ann. Code of Md. [[art. 25A, §
21 5(A)(5)], LOCAL GOVERNMENT ARTICLE, SECTION 10-202(B)].

22 **Subtitle 1. Civil Fines and Procedures.**

23 **Sec. 24.100. - Purpose.**

24 This subtitle implements the authority contained in [[article 25A]] LOCAL
25 GOVERNMENT ARTICLE of the Annotated Code of Maryland to provide for the enforcement
26 of County laws and regulations by civil fines.

1 Title 28. Downtown Columbia.

2 Subtitle 1. Downtown Columbia Partnership.

3
4 Sec. 28.100. - Legal authority, findings, purpose, and legislative intent.

5 (a) Authority. This subtitle is enacted in accordance with [[Article 25A, § 5(F) of
6 the Maryland Code]] SECTION 10-315 OF THE LOCAL GOVERNMENT ARTICLE OF
7 THE ANNOTATED CODE OF MARYLAND and the Downtown Columbia Plan, a general
8 plan amendment.

9
10 Sec. 28.103. - Downtown Columbia Partnership established.

11 (a) Established. There is a Downtown Columbia Partnership.

12 (b) Status. The Downtown Columbia Partnership:

13 (1) Is an independent entity that is not within the executive or legislative
14 branches of County Government;

15 (2) Is a public instrumentality of the County;

16 (3) Is the commercial district management authority for Downtown
17 Columbia;

18 (4) May exercise its powers to the extent not inconsistent with [[Article
19 25A, Section 5(F) of the Maryland Code]] SECTION 10-315 OF THE LOCAL
20 GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND or
21 this title; and

22 (5) Performs tasks of benefit to the Downtown Columbia Management
23 District.

24
25 Sec. 28.104. - Charter provisions inapplicable.

26 In accordance with the authority granted to the County by [[Article 25A, § 5(F)]]
27 SECTION 10-315 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated Code of
28 Maryland provisions of the Howard County Charter that are inconsistent with this subtitle
29 are inapplicable to the Downtown Columbia Partnership.

1 **Sec. 28.119. - Procurement.**

2 **(a) In General. Except as otherwise provided in [[Article 25a, Section 5(ff) of the**
3 **Maryland Code]] SECTION 10-315 OF THE LOCAL GOVERNMENT ARTICLE OF THE**
4 **ANNOTATED CODE OF MARYLAND, the Downtown Columbia Partnership is not**
5 **subject to the County Purchasing Code.”**

6
7 *Section 2. Be It Enacted by the County Council of Howard County, Maryland, that the 2019*
8 *Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and*
9 *published by Municipal Code Corporation, a copy of which is attached hereto and incorporated*
10 *herein, is hereby legalized and is declared to be evidence of the local laws of Howard County,*
11 *including all laws enacted prior to July 1, 2019, which are public local laws operating within*
12 *Howard County.*

13
14 *Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland, that*
15 *all laws of a general and permanent nature of Howard County, Maryland enacted on or after*
16 *July 1, 2019 shall periodically be incorporated into this Code, as a supplement thereto, so that*
17 *any reference to the Howard County Code, 2019 Edition, shall be understood and intended to*
18 *include such additions and amendments caused by said enactments on or after July 1, 2019.*

19
20 *Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland that*
21 *this Act shall become effective 61 days after its enactment.*

PREFACE



Originally Published in 1972

Published in 2008 by Order of County Council

municode

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HOWARD COUNTY
OFFICIALS ~~(2015)~~ (2019)

COUNTY COUNCIL

Calvin Ball Christiana Mercer Rigby <i>Chairperson</i>	Jon Weinstein Opel Jones <i>Vice Chairperson</i>
Greg Fox Deb Jung <i>Councilmember</i>	Mary Kay Sigaty Liz Walsh <i>Councilmember</i>

Jennifer Terrasa David Yungmann <i>Councilmember</i>	Jessica Feldmark Diane Schwartz Jones <i>Administrator to the County Council</i>
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EXECUTIVE

Allan H. Kittleman Calvin Ball <i>County Executive</i>	Lonnie R. Robbins <i>Chief Administrative Officer</i>
James M. Irvin <i>Director of Public Works</i>	Stanley J. Milesky Janet R. Irvin <i>Director of Finance</i>
John R. Byrd Raul Delerme <i>Director of Recreation and Parks</i>	Gary W. Kuc <i>County Solicitor</i>
John Butler Christine M. Uhlhorn <i>Director of Fire and Rescue Services</i>	Valdis Lazdins Amy Gowan <i>Acting Director of Planning and Zoning</i>
Gary L. Gardner Lisa A. Myers <i>Chief of Police</i>	

PREFACE

This Code is a republication of the 1995 Edition of the Howard County Code to change format to double column and include Council Bills adopted through 2008.

The 1995 Edition of the Howard County Code was published by the Municipal Code Corporation, Tallahassee, Florida. It constitutes a republication of the 1977 Edition, with the provisions of the 1972-1973 Cumulative Supplement being added thereto. In addition, Council Bills adopted subsequent to the 1972-1973 Supplement have been added. The initial publication contains all such Bills adopted as of March 1, 1976.

No changes in the arrangement of Titles and Subtitles or the numbering system have been made. The section numbers are the same as used in the 1995 Edition, the 1977 Edition, the 1972-1973 Supplement and subsequent amendatory Council Bills. In some instances, the editors have added words in brackets [] for clarity.

Introduced Nov. 4, 2019
Public Hearing Nov. 18, 2019
Council Action Dec. 2, 2019
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2019 Legislative Session

Legislative Day No. **13**

Bill No. 66 -2019

Introduced by: The Chairperson

AN ACT to legalize the 2019 Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and published by Municipal Code Corporation; to provide for the Code's periodic supplement; and to declare that the Code shall be the evidence of the public local laws of Howard County; and to make technical, non-substantive corrections to the Code.

Introduced and read first time November 4, 2019. Ordered posted and hearing scheduled.
By order Diane A. Jones
Diane Schwartz Jones, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 18, 2019.
By order Diane A. Jones
Diane Schwartz Jones, Administrator

This Bill was read the third time on December 2, 2019 and Passed , Passed with amendments X, Failed .
By order Diane A. Jones
Diane Schwartz Jones, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2019 at ___ a.m./p.m.
By order _____
Diane Schwartz Jones, Administrator

Approved/Vetted by the County Executive _____, 2019

Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Section 210(c) of the Howard County Charter requires the Howard County Council
2 to provide for a compilation and codification of all public local laws of the County; and

3
4 **WHEREAS**, by passage of Council Bill No. 15-1977, the Council adopted a codification of the
5 public local laws, enacted by the Council pursuant to the Home Rule Amendment to the State
6 Constitution and operating within Howard County; and

7
8 **WHEREAS**, Council Bill No. 18-2009 (effective June 9, 2009) legalized the 2008 Edition of the
9 Howard County Code; and

10
11 **WHEREAS**, substantial changes have occurred in the local laws of Howard County since the
12 last codification; and

13
14 **WHEREAS**, the changes below in Section 1 of this bill reflects technical, non-substantive
15 corrections to the Howard County Code.

16
17 ***Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Howard***
18 ***County Code is amended as follows:***

19 *By amending:*

20 *Title 3, Buildings*

21 *Section 3.822 – “COMAR regulations”*

22
23 *Title 4, Contracts, Purchasing and Property*

24 *Section 4.200 – “Acquisition of real property.”*

25
26 *Title 13, Housing and Community Development*

27 *Section 13.704 – “Use of Funds.”*

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Title 13, Housing and Community Development

Section 13.800 – “Definitions.”

Subsection (h)

Title 13, Housing and Community Development

Section 13.1106 - Public hearing; approval of project.

Subsection (a)

Title 13, Housing and Community Development

Section 13.1110 – “Bonds; how issued.”

Title 13, Housing and Community Development

Section 13.1303 – “Definitions.”

Subsections (f) and (g)(2)

Title 13, Housing and Community Development

Section 13.1305 – “Composition; appointments; terms.”

Subsection (a)(2)(i)

Title 13, Housing and Community Development

*Section 13.1307 – “Chairperson; liaison to the Housing and Community
Development Board; staff; legal services.”*

Subsections (b) and (c)

Title 13, Housing and Community Development

Section 13.1308 – “Voting; meetings.”

Subsection (b)

1 *Title 13, Housing and Community Development*

2 *Section 13.1314 – “Rental and tenant selection.”*

3 *Subsection ((b))*

4
5 *Title 17, Public Protection Services*

6 *Section 17.305B – “Tethers for dogs.”*

7 *Subsection (c)*

8
9 *Title 17, Public Protection Services*

10 *Section 17.1008 – “Required information.”*

11 *Subsection (c)*

12
13 *Title 20, Taxes, Charges, and Fees*

14 *Section 20.121 – “Community associations.”*

15 *Subsections (d) and (e)*

16
17 **Title 3. Buildings.**

18 **Subtitle 8. On-Site Sewage Disposal Systems.**

19
20 **Sec. 3.822. - COMAR regulations.**

21 This subtitle shall not be construed to repeal or affect any powers of the State of
22 Maryland State Department of the Environment under the provisions of the [[health-environment
23 article]] ENVIRONMENT ARTICLE of the Annotated Code of Maryland or COMAR.

24
25 **Title 4. Contracts, Purchasing and Property.**

26 **Subtitle 2. Real Property.**

27
28 **Sec. 4.100. - Acquisition of real property.**

29 The County Executive is authorized to acquire, by purchase, gift or lease for public
30 purposes, as such purposes are set forth in any capital improvement expenditure appropriation

1 ordinance, the fee simple or leasehold or such other interest as the County Executive may deem
2 to be necessary or desirable in any real property located within the County, including any or all
3 property rights, interest, easements or franchises in the same. If the County Executive is unable
4 to agree with the owner or owners on the purchase price of such property or interest therein, he
5 shall thereupon request the County Council to authorize and direct the office of law to institute,
6 in the name of the County, the necessary legal action to acquire by condemnation the real
7 property or any interest therein. No resolution authorizing and directing the condemnation of any
8 interest in real property shall be adopted by the Council until after the owner or owners of the
9 subject real property shall have had an opportunity to be heard by the Council in open hearing
10 after due notice. A public hearing held pursuant to this section shall be limited to the question of
11 necessity for the taking and no issue of value of the land which is the subject of the
12 condemnation proceeding can be raised. No real property or interest therein shall be purchased,
13 by condemnation or otherwise, unless funds for the same shall have been included in the capital
14 budget, the award of a condemnation jury notwithstanding. All such purchases herein provided
15 for shall be accomplished in accordance with budgetary procedures as described in the Howard
16 County Charter. All necessary legal proceedings shall be accomplished in accordance with
17 [[article 21 of the Code of Public General Laws of Maryland and the rules of court adopted
18 pursuant thereto]] TITLE 12 OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF
19 MARYLAND AND OF TITLE 12, CHAPTER 200 OF THE MARYLAND RULES.

20
21 **Title 13. Housing and Community Development.**

22 **Subtitle 7. Rental Housing Expense Assistance Program.**

23
24 **Sec. 13.704. - Use of funds.**

25 The financial assistance may be used by the sponsor to pay any of the following costs of a
26 project:

- 27 (a) Building permit fees imposed under [[subsection 3.100.II.22.114.2]] SECTION
28 3.101(32) of this Code;
- 29 (b) Electrical inspection fees imposed under [[subsections 3.215(h) and (i)]] SECTION
30 3.222 of this Code;

- 1 (c) Plumbing, gasfitting and on-site utility permit fees imposed under [[subsection
2 3.305(k))] SECTION 3.305(J) of this Code;
- 3 (d) Grading permit fees imposed under [[subsection]] SECTION 3.404(c) of this Code;
- 4 (e) Water and sewer connection charges imposed under section [[20.308]] 20.608 of
5 this Code;
- 6 (f) Water and sewer in-aid-of construction charges imposed under section [[20.311]]
7 20.611 of this Code; and
- 8 (g) The building excise tax imposed under [[subtitle 11 of title 20 of the Howard
9 County Code]] TITLE 20, SUBTITLE 5 OF THIS CODE.

10
11 **Subtitle 8. Rental Housing Development Program.**

12
13 **Sec. 13.800. - Definitions.**

14 **In this subtitle the following words have the meanings indicated:**

- 15 (h) Imputed income limitation means the income limitation that would apply under
16 subsection [[13.807(a)]] 13.807(B) to a household of low or moderate income if
17 the number of individuals in the household were as follows:(1)In case of a unit
18 that does not have a separate bedroom, one individual; or(2)In the case of a unit
19 that has one or more separate bedrooms, 1.5 individuals for each separate
20 bedroom.

21
22 **Subtitle 11. Urban Renewal.**

23
24 **Sec. 13.1106. - Public hearing; approval of project.**

25 Prior to final approval of an urban renewal project, the County Council shall:

- 26 (a) Submit the plans to the [[Office of Planning and Zoning]] PLANNING COMMISSION, for
27 its review and recommendations only. The [[Office of Planning and Zoning's]]
28 PLANNING COMMISSION's recommendations shall be submitted within 60 days after
29 receipt of the plans.

1
2
3 **Sec. 13.1110. - Bonds; how issued.**

4 Both the revenue bonds and general obligation serial bonds issued under this subtitle
5 shall be authorized by resolution of the County Council for Howard County and may be issued in
6 one or more series and shall bear such date or dates, be payable upon demand or mature at such
7 time or times, bear interest at such rate or rates, NOT EXCEEDING SIX PER CENTUM PER ANNUM, be
8 in such denomination or denominations, be in such form, either with or without coupon or
9 registered, carry on such conversion or registration privileges, have such rank or priority, be
10 executed in such manner, be payable in such medium of payment, at such place or places, and be
11 subject to such terms of redemption (with or without premium), be secured in such manner, and
12 have such other characteristics, as may be provided by such resolution or trust indenture or
13 mortgage issued pursuant thereto. Such bonds shall not be subject to the provisions of sections 9,
14 10 and 11 of article 31, Maryland Code, 1957 Edition, as amended.
15

16 **Subtitle 13. Howard County Housing Commission Articles of Organization.**
17

18 **Sec. 13.1303. - Definitions.**

19 The terms used in this subtitle shall have the meanings indicated in this section.

20 (f) *Housing authorities law* means [[article 44A of the Annotated Code of
21 Maryland]] TITLE 12 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE
22 ANNOTATED CODE OF MARYLAND, as amended.

23 (g) *Housing development* means any work or undertaking:

- 24 (2) To provide decent, safe, and sanitary living accommodations for
25 persons of eligible income and, to the extent authorized in
26 accordance with subsection [[13.1012(p)]] 13.1312(P) of this
27 subtitle, for other persons; such work or undertaking, or portion
28 thereof, may include buildings, land, equipment, facilities, and
29 other real or personal property for necessary, convenient, or
30 desirable appurtenances, streets, sewers, water service, parks, site

1 preparation, gardening, administrative, community, health,
2 recreational, educational, welfare, or other purposes; or
3

4 **Sec. 13.1305. - Composition; appointments; terms.**

5 (a) *Appointment:*

6 (2) *Nonvoting Commissioner:*

7 (i) The Commission shall have an additional nonvoting Commissioner
8 who shall be a member of the Housing and Community
9 Development Board selected in accordance with subsection
10 [[13.501(d)]] 13.201(D) of this Code.
11

12 **Sec. 13.1307. - Chairperson; liaison to the Housing and Community Development Board;**
13 **staff; legal services.**

14 (b) *Liaison to the Housing and Community Development Board.* By majority vote of
15 all Commissioners, the Commission shall annually select from among its
16 Commissioners a liaison to the Housing and Community Development Board who
17 shall serve as a nonvoting ex officio member of the Housing and Community
18 Development Board in accordance with subsection [[13.501(c)(2)]] 13.201(D) of
19 this Code.

20 (c) *Employment of Staff.* Subject to section [[13.1017]] 13.1317 of this subtitle, the
21 Commission may employ an Executive Director, technical experts and other
22 officers, agents and employees, permanent and temporary, and shall determine
23 their qualifications, duties and compensation.
24

25 **Sec. 13.1308. - Voting; meetings.**

26 (b) *Open Meetings.* The Commission shall meet in open session as required by the
27 Open Meetings [[Law, section 10-501 et seq. of the State Government]] ACT
28 FOUND IN TITLE 3 OF THE GENERAL PROVISIONS Article of the Annotated Code of
29 Maryland, as amended. Agendas shall be made available at least five business
30 days prior to the meeting in an electronic medium readily available to the public.

1 Minutes of open meetings shall be made available as soon as practicable in at
2 least one electronic medium readily available to the public.
3

4 **Sec. 13.1314. - Rental and tenant selection.**

5 (b) Exception Regarding Income of Tenants. The requirements of subsection (a) of
6 this section may not apply to those rental units not required to be occupied by
7 persons of eligible income under subsection ~~[[13.1012(p)]]~~ 13.1312(p) of this
8 subtitle.
9

10 **Title 17. Public Protection Services.**

11 **Subtitle 3. Animals.**

12
13 **Sec. 17.305B. - Tethers for dogs.**

14 (c) *Generally prohibited.* Except as otherwise provided in subsection ~~[[c)]]~~ (D) of
15 this subsection, an owner may not keep a dog on a tether.
16

17 **Subtitle 10. Landlord-Tenant Relations.**

18
19 **Sec. 17.1008. - Required information.**

20 (c) *Rental Housing License.* If the owner fails to provide the notice required by
21 subsection ~~[[a)(4)]]~~ (A)(2)(IV) of this section, the tenant may, at any time before the rental
22 housing license is obtained, terminate the lease without penalty and the owner shall return the
23 tenant's security deposit in compliance with section 8-203 of the Real Property Article of the
24 Maryland Code.
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1 **Title 20. Taxes, Charges, and Fees.**

2 **Subtitle 1. Real Property Tax; Administration, Credits, and Enforcement.**

3
4 **Sec. 20.121. - Community associations.**

5 (d) *Application for Tax Credit.* Applications for the tax credits provided in this
6 section shall be filed with the Director of Finance. Such application shall be submitted on forms
7 prepared and furnished by the Director of Finance and shall contain a declaration preceding the
8 signature of the duly authorized representative of the Applicant to the effect that such application
9 is made under ~~[[article 24, § 1-105]]~~ § 20-102 OF THE LOCAL GOVERNMENT ARTICLE of the
10 Annotated Code of Maryland. The Director of Finance shall approve or disapprove any
11 application filed pursuant to this section within 30 days of receipt of such application and shall
12 notify the Applicant of his decision at the address set forth in the application. Decisions of the
13 Director of Finance relating to this section shall be appealable to the Board of Appeals within 30
14 days pursuant to the provisions of article V, of the Howard County Charter and title 2 of this
15 Code. Applications shall be received by the Director of Finance not later than October 1 of the
16 taxable year for which the credit is claimed. This credit may apply only to taxes which initially
17 accrue on or after July 1, 1977.

18 (e) *Annual Reports.* Each community association granted a tax credit pursuant to this
19 section shall file annually with the Director of Finance a report confirming that it is a community
20 association and that the property for which the tax credit was originally granted continues to
21 comply with the requirements of paragraph (b) of this section. Such reports shall be submitted on
22 forms prepared and furnished by the Director of Finance and shall contain a declaration
23 preceding the signature of the authorized representative of the Applicant that such report is made
24 under ~~[[Article 24, § 1-105]]~~ § 20-102 OF THE LOCAL GOVERNMENT ARTICLE of the Annotated
25 Code of Maryland. Such report shall be received by the Director of Finance not later than
26 October 1 of each taxable year for which the tax credit to any community association shall be
27 continued.

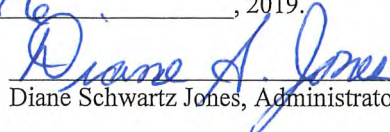
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6 Howard County.

7
8 **Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland, that
9 all laws of a general and permanent nature of Howard County, Maryland enacted on or after
10 July 1, 2019 shall periodically be incorporated into this Code, as a supplement thereto, so that
11 any reference to the Howard County Code, 2019 Edition, shall be understood and intended to
12 include such additions and amendments caused by said enactments on or after July 1, 2019.

13
14 **Section 4. And Be It Further Enacted** by the County Council of Howard County, Maryland that
15 this Act shall become effective 61 days after its enactment.

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on December 6, 2019.



Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2019.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2019.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2019.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2019.

Diane Schwartz Jones, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2019.

Diane Schwartz Jones, Administrator to the County Council