

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

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Transportation and Environment Committee

### AN EMERGENCY ACT to:

- (1) make the Department of Permitting Services permanent; and
- (2) establish an advisory committee for the Department of Permitting Services.

### By repealing

Chapter 20 of the Laws of Montgomery County 1996

### By amending

Montgomery County Code  
Chapter 2, Administration  
Section 2-42B

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

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

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

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

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

4                (1)        reviewing building plans and specifications, building permits,  
5                                occupancy permits, and licensing facilities for compliance with  
6                                fire prevention law. In exercising these functions, the Director  
7                                must consult with the Director of Fire and Rescue Services in  
8                                all matters involving the interpretation, application, or revision  
9                                of fire prevention laws and codes.

10                (2)        code enforcement, inspection, and licenses (except where those  
11                                functions are assigned by law to another department or  
12                                agency), including:

13                        (A)        administering, interpreting, and enforcing the zoning  
14                                ~~[[ordinance]]~~ law and other land use laws and  
15                                regulations ~~[[adopted by the District Council under state~~  
16                                law]];

17                        (B)        administering, interpreting, and enforcing construction  
18                                codes, and laws and regulations governing sediment  
19                                control, stormwater management, floodplain  
20                                management, special protection areas, and pond and  
21                                excavation safety;

22                        (C)        issuing building, electrical stormwater discharge, and on-  
23                                site water supply and sewage disposal permits;

24                        (D)        administering and enforcing agricultural preservation  
25                                and historic resources laws and regulations.

26        **(b)        Advisory Committee.**

- 27           (1)   The County Executive must appoint, subject to confirmation by  
28           the Council, an Advisory Committee for the Department. The  
29           Committee consists of 11 voting members and 6 ex-officio,  
30           non-voting members. Each voting member must be appointed  
31           for a 3-year term and serves until a successor is confirmed.  
32           The Executive must from time to time designate one voting  
33           member as chair and one as vice-chair.
- 34           (2)   Of the 11 voting members:
- 35           (A)   5 must be members of the regional service center  
36           advisory boards, with one member from each center's  
37           board;
- 38           (B)   2 must be active members of civic organizations in the  
39           County;
- 40           (C)   2 must be active members of environmental  
41           organizations in the County; and
- 42           (D)   2 must be active in land development or related  
43           professions.
- 44           (3)   The ex-officio, non-voting members must be nominated  
45           respectively by the Director of Environmental Protection, the  
46           Director of Housing and Community Affairs, the Director of  
47           Public Works and Transportation, the Fire Administrator, the  
48           Planning Board, and the Washington Suburban Sanitary  
49           Commission.
- 50           (4)   The Committee must advise the Department on the  
51           performance of its functions and recommend to the Director,  
52           the Executive, and the Council any steps necessary to improve

53 the Department's performance. The Committee must meet at  
54 the call of the chair as often as required to perform its duties.  
55 but at least 4 times a year. Section 2-148(c) does not apply to  
56 ex-officio members. The Director must assign staff as the  
57 Committee needs to perform its duties.

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

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

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

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

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

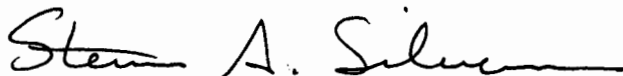
68 Of the voting members initially appointed to the Advisory Committee  
69 created by Section 2-42B, as amended by Section 1 of this Act:

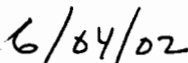
70 **(a)** 3 must be appointed to 1-year terms:

71 **(b)** 4 must be appointed to 2-year terms: and

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

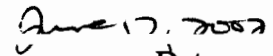
73 *Approved:*

74   
Steven A. Silverman, President, County Council

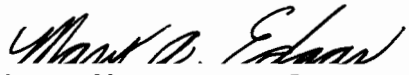
  
Date

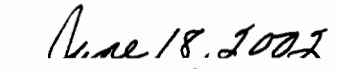
75 *Approved:*

76   
Douglas M. Durkan, County Executive

  
Date

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

78   
Mary A. Edgar, CMC Clerk of the Council

  
Date