| Ordinance No                            | •               |                   |        |            |  |
|---|-----------------|-------------------|--------|------------|--|
| Subdivision Regulation Amend. No. 05-05 |                 |                   |        |            |  |
| Concerning:                             | Planning        | Board A           | ctions | <u>s –</u> |  |
| Enforceme                               | ent             |                   |        |            |  |
| Revised: 2-1                            | 3-06            | Draft             | t No.  | 3          |  |
| Introduced:                             | Decer           | <u>nber 13, 2</u> | 2005   |            |  |
| Public Hearing                          | g: <u>Janua</u> | ary 17, 200       | )6     |            |  |
| Adopted:                                |                 | -                 |        |            |  |
| Effective:                              |                 |                   |        |            |  |

# COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN MONTGOMERY COUNTY, MARYLAND

By: District Council

#### **AN AMENDMENT** to the Subdivision Regulations to:

- (1) clarify who is responsible for taking certain enforcement actions with respect to certain plans approved by the Planning Board;
- (2) update and repeal obsolete language and make corrective and stylistic changes; and
- (3) generally amend the law regarding enforcement of subdivision plans, site plans, and other Planning Board actions.

By amending the following sections of the Montgomery County Code, Chapter 50: Section 50-41, Enforcement

| Boldface                     |
|------------------------------|
| <u>Underlining</u>           |
| [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.

## OPINION

## ORDINANCE

## The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following Ordinance:

1

| 1  | Sec.   | 1. Sec     | tion 50-41 is amended as follows:  |
|----|--------|------------|--|
| 2  | 50-41. | Enfo       | rcement.   |
| 3  | (a)    | Defin      | <i>titions</i> . In this section, these terms have the following meanings: |
| 4  |        |            | * * *  |
| 5  |        | (3)        | Enforcement Agent. The Planning [Board] Director, or the                   |
| 6  |        |            | Director's designee responsible for determining compliance                 |
| 7  |        |            | with [terms, conditions, requirements, agreements, and any                 |
| 8  |        |            | other obligations or limitations associated with] a Planning               |
| 9  |        |            | Board Action.  |
| 10 |        |            | * * *  |
| 11 |        | (5)        | Planning Board Action. A final decision[[,]] on a preliminary              |
| 12 |        |            | plan, site plan, project plan, supplementary plan, water quality           |
| 13 |        |            | plan, or other plan, including all associated terms, conditions,           |
| 14 |        |            | requirements and other obligations or [[limitations]] limits,              |
| 15 |        |            | made by the Planning Board [pursuant to its authority] under               |
| 16 |        |            | [[Article 28, Titles 7 and 8, Maryland Code Annotated]] state              |
| 17 |        |            | law and Chapter 50 and 59, [[of the Montgomery County                      |
| 18 |        |            | Code]] including any [[regulations promulgated pursuant to this            |
| 19 |        |            | authority]] regulation issued under state or County law. A                 |
| 20 |        |            | [[final decision for purposes of this section]] Planning Board             |
| 21 |        |            | Action does not include a decision made by the [[Planning]]                |
| 22 |        |            | Board [[pursuant to]] under Chapter 22A.                                   |
| 23 |        | <u>(6)</u> | <u>Planning Director.</u> The staff member in the Department of Park       |
| 24 |        |            | and Planning who is in charge of all planning, zoning, and land            |
| 25 |        |            | development approval activities of the Department, and who                 |
| 26 |        |            | reports directly to [[the Chair of]] the Planning Board.                   |

| 27 | [(6)] (7) Stop Work Order or Corrective Order. An administrative                     |  |  |  |  |  |
|----|--|--|--|--|--|--|
| 28 | order issued by an Enforcement Agent [or the Planning Board]                         |  |  |  |  |  |
| 29 | requiring a person to discontinue any further development,                           |  |  |  |  |  |
| 30 | construction, or other land disturbance activity authorized by a                     |  |  |  |  |  |
| 31 | Planning Board Action until a violation has been corrected.                          |  |  |  |  |  |
| 32 | * * *  |  |  |  |  |  |
| 33 | Sec. 2. Effective date. This ordinance takes effect on March 1, 2006.                |  |  |  |  |  |
| 34 | Section 50-41, as amended by this ordinance, applies to any enforcement action       |  |  |  |  |  |
| 35 | taken on or after that date, including any action to enforce a Planning Board Action |  |  |  |  |  |
| 36 | taken before that date.  |  |  |  |  |  |
| 37 | Approved:  |  |  |  |  |  |
| 38 |  |  |  |  |  |  |
|    | Douglas M. Duncan, County ExecutiveDate  |  |  |  |  |  |
| 39 | This is a correct copy of Council action.  |  |  |  |  |  |
| 40 |  |  |  |  |  |  |
|    | Linda M. Lauer, Clerk of the Council Date  |  |  |  |  |  |