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Attachment 1

Resolution No.: 15-1271
Introduced: December 6, 2005
Adopted: December 13, 2005

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Transportation and Environment Committee

SUBJECT: Resolution to set certain penalties and fees under the County forest conservation law

Background

1. The County forest conservation law, in County Code §22A-16(d)(1), authorizes the County Council to set by law or resolution the maximum amount of the administrative civil penalty authorized by §22A-16(d).
2. The County forest conservation law, in §22A-12(g)(1), authorizes the County Council to set by law or resolution the [maximum] amount of the fee that the Planning Board may charge in lieu of afforestation or reforestation under §22A-12(g).
3. At a worksession held on December 1, 2005, the Council's Transportation and Environment Committee recommended that the maximum penalty and fee be set in amounts that would effectively deter violations of the forest conservation law, particularly willful violations.

Action

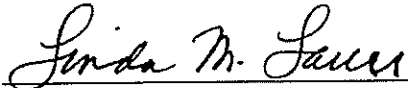
The County Council for Montgomery County, Maryland approves the following resolution:

1. The maximum amount of the administrative civil penalty authorized by County Code §22A-16(d) is \$9/square foot for any [willful] violation of Chapter 22A or regulations implementing that Chapter[, and \$3/square foot for all other violations of that Chapter or regulations].
2. The [maximum] amount of the fee that the Planning Board may charge in lieu of afforestation or reforestation authorized by County Code §22A-12(g) is \$.90/square foot of the area of required planting.
3. Without further action by the County Council, the Planning Board must adjust each dollar amount in this resolution, effective July 1 of each odd-numbered year, by the percentage amount of the annual average increase or decrease (if any) in the Consumer Price Index for all urban consumers in the Washington-Baltimore

metropolitan area, or any successor index, for the two most recent calendar years. The Board must calculate this adjustment to the nearest multiple of 5 cents. The Board must notify the public of the amount of this adjustment not later than May 1 of each odd numbered year.

4. This resolution takes effect when Expedited Bill 27-05 takes effect.

This is a correct copy of Council action.



Linda M. Lauer
Linda M. Lauer, Clerk of the Council