



BARRY GLASSMAN

HARFORD COUNTY EXECUTIVE

FOR IMMEDIATE RELEASE

May 2, 2022

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Harford County Executive Vetoes Illegal Bill on Perryman Peninsula Building Moratorium

BEL AIR, Md., (May 2, 2022) - County Executive Barry Glassman today vetoed Bill 22-003 - Perryman Peninsula Moratorium because it is illegal. The bill tried to place a moratorium on site plan approvals and building permits for new commercial or industrial buildings on the Perryman Peninsula in violation of the Harford County Code and County Charter.

Like the U.S. Constitution, the Harford County Charter is the founding document for all local legislation. The county executive and county council are required to uphold the Charter in performing their duties.

In his veto message, County Executive Glassman outlines his duty to follow the law and apply it fairly:

“One of my primary duties as County Executive is to uphold the laws of Harford County. Harford County Council Bill 22-003, as amended, threatens the rights of all Harford County property owners. My responsibility is to enforce the provisions of County laws as well as follow the predictable process adopted in the County’s development review regulations for all applicants regardless of their location or status.”

He goes on to cite each violation of the Charter, including a legal error by the council president that rendered the bill null and void.


The county executive’s message concludes by noting that existing law governs the county’s development review process:

“Finally, instituting a temporary moratorium to study issues such as acreage, building size, traffic and environmental impacts is illegal in light of the fact that the current law requires all of those issues to be reviewed and addressed prior to approval of a development project.”

Per the Harford County Charter, the county executive's veto stands unless the council overrides it at their next legislative meeting scheduled for Tuesday, May 3, 2022.

[Full text of veto message attached]

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BARRY GLASSMAN

HARFORD COUNTY EXECUTIVE

MEMORANDUM

TO: Patrick S. Vincenti, Harford County Council President
Members of the Harford County Council

FROM: Barry Glassman, Harford County Executive 

RE: Bill 22-003 – Perryman Peninsula Moratorium

I am returning herewith Bill 22-003, as amended, to which I have exercised my authority to veto pursuant to Section 311 of the Harford County Charter.

One of the primary duties as County Executive is to uphold the laws of Harford County. Harford County Council Bill 22-003, as amended, threatens the rights of all Harford County property owners. My responsibility is to enforce the provisions of County laws as well as follow the predictable process adopted in the County's development review regulations for all applicants regardless of their location or status. Council Bill 22-003, as amended, clearly violates these general terms but also is flawed legally.

Upon advice of my Law Department, I believe Council Bill 22-003, as amended, instituting a temporary moratorium on the approval of site plans and the issuance of building permits for new commercial or industrial buildings in the Perryman Peninsula to be illegal for several reasons.

The Harford County Charter Section 218 (d) provides that a bill if amended shall not be enacted until it is reprinted or reproduced as amended. The County Council adopted 16 amendments to Bill 22-003. Two of these amendments provided that there was a map attached to the Bill delineating the boundaries of the Perryman Peninsula subject to the temporary moratorium. The Bill that was certified and enrolled by the County Council President as the text as finally passed by the County Council and submitted to me for signature did not contain the map delineating the boundaries of the Perryman Peninsula. Bill 22-003, as amended and enrolled, is not the amended bill adopted by the County Council on April 19, 2022. Therefore, the Bill, as enrolled, does not comply with Charter Section 218 (d). A statute can only be valid when passed in accordance with the mandatory manner prescribed by the instrument giving authority to adopt such statute and failure to do so renders the statute null and void. *See, Legg v. Mayor, Counsellor & Aldermen of Annapolis*, 42 Md. 203 at 221. Bill 22-003, as amended, was not enacted in accordance with the mandatory provisions of the Charter and is therefore null and void.

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MEMORANDUM

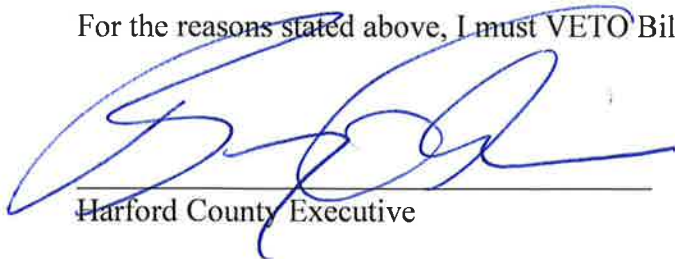
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Bill 22-003, as amended, requires one representative from each of the following Executive Branch departments: Department of Planning and Zoning, Department of Community and Economic Development and the Department of Public Works, to serve on the Council's study group. The Harford County Charter Section 401 provides that all agencies of the County government are subject to the direction, supervision and control of the County Executive. The Legislature does not have the authority to adopt legislation requiring these departments to provide to the Legislature employees of the Executive Branch to assist the County Council in performing its legislative functions. Any attempt by the County Council to force executive branch employees to assist the Council in drafting legislation amounts to interference with the Executive Branch. The Charter makes clear that the County Executive and the Director of Administration (Harford County Charter Section 312) have the duty and responsibility for directing, supervising and controlling the agencies of the Executive Branch. To ensure that the Legislative Branch does not interfere with the County Executive's authority to supervise and control the agencies of the Executive Branch, Harford County Charter Section 216 prohibits the County Council and its members from giving orders to any subordinate of the County Executive. Bill 22-003, as amended, requiring subordinates of the County Executive to serve on a Council created board is a violation of the separation of powers required under the Charter. *See, Hormes v. Baltimore County*, 225 Md. 371 at 375 (1961) and *Anne Arundel County v. Bowen*, 258 Md. 713 (1970).

Bill 22-003, as amended, provides that following the date the Bill becomes law the County Council shall appoint a Perryman Peninsula study group. The Bill, under Section 3, provides that the Act takes effect 60 calendar days from the date it becomes law. The Harford County Charter Section 219 provides that any law shall take effect 60 calendar days after the date it becomes law unless by its terms it takes effect at a later date. According to Section 219, the only type of legislation that takes effect on the date it becomes law is emergency legislation or a law appropriating funds for a current expense. Bill 22-003, as amended, is not an emergency act and does not appropriate funds, and therefore the Charter prohibits any provision of Bill 22-003, as amended, from taking effect prior to 60 calendar days after the date it became law. Therefore, the County Council may not appoint the study group until the Bill becomes effective.

Finally, instituting a temporary moratorium to study issues such as acreage, building size, traffic and environmental impacts is illegal in light of the fact that the current law requires all of those issues to be reviewed and addressed prior to approval of a development project. The LI District was established in 1997, and the maximum building coverage and impervious surface coverage permitted in the LI has been the same since the inception of the LI District. The County Council erroneously states that more massive industrial buildings are permitted today in the Perryman Peninsula. The truth is that the building size and lot coverage permitted on a LI zoned lot is the same today as it was in 1997.

For the reasons stated above, I must VETO Bill 22-003, as amended.



Harford County Executive

05/02/2022

Date