
By: Senator Haines

Requested: November 3, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Carroll County - Subdivision Lots - Sale Before Plat Approval**

3 FOR the purpose of amending the Zoning and Planning Law to include Carroll County in
4 a certain exception concerning the sale of certain land under certain zoning
5 classifications; and generally relating to the sale of land in a subdivision prior to
6 final subdivision plat approval.

7 BY repealing and reenacting, with amendments,
8 Article 66B - Zoning and Planning
9 Section 5.05
10 Annotated Code of Maryland
11 (1995 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 66B - Zoning and Planning**

15 5.05.

16 (a) Except as provided in subsections (b) and (c) of this section, whoever, being
17 the owner or agent of the owner of any land located within a subdivision transfers or sells
18 or agrees to sell or negotiate to sell any land by reference to or exhibition of or by other
19 use of a plat of a subdivision, before the plat has been approved by the planning
20 commission and recorded or filed in the office of the appropriate county clerk, shall
21 forfeit and pay a civil penalty of not less than \$200 and not more than \$1,000 in the
22 discretion of the court, for each lot or parcel so transferred or sold or agreed or
23 negotiated to be sold; and the description of the lot or parcel by metes and bounds in the
24 instrument of transfer or other document used in the process of selling or transfer or
25 other document used in the process of selling or transferring shall not exempt the
26 transaction from the penalties or from the remedies herein provided. The county or
27 municipal corporation may enjoin the transfer or sale or agreement by action for
28 injunction brought in any court of equity jurisdiction or may recover the penalty by civil
29 action in any court of competent jurisdiction.

30 (b) In Charles and St. Mary's Counties this section does not apply to the sale or
31 negotiation for sale of industrial property.

1 (c) In Frederick [County] AND CARROLL COUNTIES, this section does not apply
2 to the contract for sale or negotiation for sale of property zoned industrial, commercial,
3 or both industrial and commercial, if a plat is approved and recorded in accordance with
4 this article prior to the transfer of land.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 1996.