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(PRE-FILED)

SB 270/94 - EEA

By: Senator Haines

Requested: November 3, 1995

Introduced and read first time: January 10, 1996

Assigned to: Economic and Environmental Affairs

Committee Report: Favorable

Senate action: Adopted

Read second time: January 23, 1996

CHAPTER ____

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

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1 instrument of transfer or other document used in the process of selling or transfer or
2 other document used in the process of selling or transferring shall not exempt the
3 transaction from the penalties or from the remedies herein provided. The county or
4 municipal corporation may enjoin the transfer or sale or agreement by action for
5 injunction brought in any court of equity jurisdiction or may recover the penalty by civil
6 action in any court of competent jurisdiction.

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

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

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