
By: **Delegates Barve, Gordon, and Kagan**
Introduced and read first time: February 4, 1999
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Municipal Corporations - Planning Commission - Alternate Members**

3 FOR the purpose of allowing the local governing body of a municipal corporation to
4 designate certain alternate members of the planning commission of the
5 municipal corporation for certain purposes; making a stylistic change; and
6 generally relating to planning in municipal corporations.

7 BY repealing and reenacting, with amendments,
8 Article 66B - Zoning and Planning
9 Section 3.02
10 Annotated Code of Maryland
11 (1998 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 3.02.

16 (a) The commission shall consist of either five or seven members, one of whom
17 may be a member of the local legislative body to serve in an ex officio capacity
18 concurrent with his official term. The members shall be appointed by the local
19 legislative body or by such person or persons as the local legislative body creating the
20 commission in the ordinance may designate as the appointing power. Where there is
21 a single local elected executive, the members shall be appointed by the local executive
22 and confirmed by the local legislative body. All members may serve with the
23 compensation the local legislative body deems appropriate. The term of each member
24 is five years or until [his] THE MEMBER'S successor takes office, except that the
25 respective terms of the five members first appointed shall be on a staggered basis.
26 After a public hearing, members may be removed by the local legislative body for
27 inefficiency, neglect of duty, or malfeasance in office. The local legislative body shall
28 file a written statement of reasons for the removal. Vacancies occurring otherwise
29 than through the expiration of term shall be filled for the unexpired term by the local

1 legislative body or by whatever person or persons as the local legislative body creating
2 the commission may designate in the ordinance as the appointing power.

3 (b) The following [counties] LOCAL GOVERNMENTS are excepted from the
4 provisions of subsection (a) to the extent provided in this subsection:

5 (1) In Allegany County, the commission may consist of seven members.
6 The term of each member shall be five years or until his successor takes office, except
7 that the respective terms of the sixth and seventh members first appointed may be
8 less than five years.

9 (2) In Carroll County, the County Commissioners have the discretion to
10 determine whether or not one of the appointive members of the planning and zoning
11 commission is a member of the Board of County Commissioners. The County
12 Commissioners shall designate one alternate member of the commission who may be
13 empowered to sit on the commission in the absence of any member of the commission.
14 When the alternate is absent, the County Commissioners may designate a temporary
15 alternate who shall sit on the commission.

16 (3) (i) The Charles County planning commission is comprised of 7
17 members and shall represent as many different geographical areas of Charles County
18 as is possible.

19 (ii) Members may receive such compensation as deemed
20 appropriate by the Charles County Commissioners.

21 (iii) The members serve for four-year terms or until their successors
22 are appointed and qualified. The respective terms of the members shall be on a
23 staggered basis.

24 (iv) The chairperson shall be appointed annually by the Charles
25 County Commissioners.

26 (v) A member of the Charles County Commissioners may sit on the
27 Charles County planning commission in an ex officio capacity through December 31,
28 1988. The member shall have voting privileges on all matters except matters on
29 which the member would be called on to vote again in the capacity as a member of the
30 Charles County Commissioners, such as zoning and rezoning matters. This member
31 shall be counted as one of the 7 members.

32 (vi) Beginning January 1, 1989, a member of the Charles County
33 Commissioners may not sit on the Charles County planning commission.

34 (4) (i) In Cecil County, the planning commission has six regular
35 members and one alternate member.

36 (ii) Members of the planning commission serve for 3-year
37 staggered terms.

1 (iii) At the end of a term, an appointed member continues to serve
2 until a successor is appointed and qualifies.

3 (iv) An ex officio member serves a term concurrent with the
4 member's term of office.

5 (v) A member who is appointed after a term has begun serves only
6 for the rest of the term and until a successor is appointed and qualifies.

7 (5) IN A MUNICIPAL CORPORATION, THE LOCAL LEGISLATIVE BODY MAY
8 DESIGNATE ONE ALTERNATE MEMBER OF THE COMMISSION WHO MAY SIT ON THE
9 COMMISSION IN THE ABSENCE OF ANY MEMBER OF THE COMMISSION. WHEN THE
10 ALTERNATE IS ABSENT, THE LOCAL LEGISLATIVE BODY MAY DESIGNATE A
11 TEMPORARY ALTERNATE TO SIT ON THE COMMISSION.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1999.