
By: **Senators Mooney and Ferguson**
Introduced and read first time: January 18, 2002
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County - Zoning Ordinances - Citizen's Referendum**

3 FOR the purpose of allowing the citizens of Frederick County to petition certain
4 adoptions, amendments, or repeals of certain zoning ordinances adopted by the
5 Board of County Commissioners to referendum; providing that certain
6 adoptions, amendments, or repeals of certain zoning ordinances may not take
7 effect within a specified period; specifying certain procedures and requirements
8 of a petition and the effect of a petition; requiring the Board of Supervisors of
9 Elections of Frederick County to verify a petition; providing that certain
10 adoptions, amendments, or repeals of certain zoning ordinances successfully
11 petitioned to referendum shall appear on the ballot in Frederick County at the
12 next regular election for members of the House of Representatives; providing
13 that the adoptions, amendments, or repeals of certain zoning ordinances
14 petitioned to referendum may not take effect until after a specified period of
15 time following approval by a majority of voters voting on the question; making
16 provisions of this Act severable; and generally relating to the right of the citizens
17 of Frederick County to petition certain land use decisions of the Board of County
18 Commissioners to referendum.

19 BY repealing and reenacting, with amendments,
20 Article 66B - Land Use
21 Section 14.06
22 Annotated Code of Maryland
23 (1998 Replacement Volume and 2001 Supplement)

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

26 **Article 66B - Land Use**

27 14.06.

28 (a) This section applies to Frederick County.

1 (b) Notwithstanding any other provision of this article, the Board of County
2 Commissioners may overrule an action of the Frederick County planning commission
3 under §§ 3.05, 3.06, 3.07, and 3.08 of this article by a majority vote of the membership
4 of the Board of County Commissioners.

5 (c) (1) Notwithstanding § 4.07(a) of this article, the members of the board of
6 appeals may be appointed to terms of 1 to 3 years.

7 (2) The terms of the board of appeals shall be staggered.

8 (d) If a plat is approved and recorded in accordance with this article before the
9 transfer of land, § 5.05 of this article does not apply to the contract for sale or
10 negotiation for sale of property zoned industrial, commercial, or both industrial and
11 commercial.

12 (E) (1) (I) THE CITIZENS OF FREDERICK COUNTY MAY PETITION TO
13 REFERENDUM IN ACCORDANCE WITH THIS SUBSECTION ANY ADOPTION,
14 AMENDMENT, OR REPEAL OF A ZONING ORDINANCE ADOPTED BY THE BOARD OF
15 COUNTY COMMISSIONERS.

16 (II) THE ADOPTION, AMENDMENT, OR REPEAL OF A ZONING
17 ORDINANCE MAY NOT TAKE EFFECT DURING THE PERIOD IN WHICH A PETITION MAY
18 BE SUBMITTED.

19 (III) IF THE ADOPTION, AMENDMENT, OR REPEAL OF A ZONING
20 ORDINANCE IS SUCCESSFULLY PETITIONED TO REFERENDUM, THE ADOPTION,
21 AMENDMENT, OR REPEAL OF THE ZONING ORDINANCE IS SUSPENDED AND MAY NOT
22 TAKE EFFECT UNTIL 30 DAYS AFTER APPROVAL BY THE MAJORITY OF THE
23 QUALIFIED VOTERS VOTING ON THE QUESTION.

24 (2) (I) AN ADOPTION, AMENDMENT, OR REPEAL OF A ZONING
25 ORDINANCE IS SUBJECT TO REFERENDUM UNDER THIS SUBSECTION IF A PETITION
26 SIGNED BY THE REQUIRED NUMBER OF QUALIFIED VOTERS OF FREDERICK COUNTY
27 IS SUBMITTED TO THE BOARD OF SUPERVISORS OF ELECTIONS OF THE COUNTY
28 WITHIN 45 DAYS AFTER FINAL ADOPTION OF THE ORDINANCE OR AMENDMENT OR
29 REPEAL OF A CURRENT ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OR
30 WITHIN THE TIME PRESCRIBED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH.

31 (II) A PETITION SUBMITTED UNDER THIS SUBSECTION SHALL BE
32 SIGNED BY AT LEAST 10% OF THE QUALIFIED VOTERS WHO RESIDE IN FREDERICK
33 COUNTY.

34 (III) A PETITION MAY CONSIST OF SEVERAL PAPERS, BUT EACH
35 PAPER SHALL CONTAIN THE TEXT OF OR A FAIR SUMMARY OF THE ORDINANCE OR
36 REPEAL OF A CURRENT ORDINANCE BEING PETITIONED TO REFERENDUM.
37 INDIVIDUALS SIGNING THE PETITION SHALL PRINT NEXT TO THEIR SIGNATURE
38 THEIR NAME AND ADDRESS. AN AFFIDAVIT SHALL BE ATTACHED TO EACH PAPER BY
39 THE INDIVIDUAL PROCURING THE SIGNATURES STATING THAT, TO THE
40 INDIVIDUAL'S INFORMATION AND BELIEF, EACH SIGNATURE ON THE PAPER IS
41 GENUINE AND THAT, WHERE REQUIRED BY THIS SUBSECTION, EACH INDIVIDUAL

1 WHOSE SIGNATURE APPEARS ON THE PAPER IS A QUALIFIED VOTER WHO RESIDES
2 IN FREDERICK COUNTY.

3 (IV) IF MORE THAN ONE-THIRD BUT LESS THAN THE TOTAL
4 NUMBER OF QUALIFIED SIGNATURES REQUIRED TO COMPLETE THE PETITION ARE
5 FILED WITH THE BOARD OF SUPERVISORS OF ELECTIONS OF THE COUNTY WITHIN 45
6 DAYS AFTER FINAL ADOPTION OF THE ORDINANCE OR WITHIN 45 DAYS AFTER THE
7 EFFECTIVE DATE OF A REPEAL OR AMENDMENT OF A CURRENT ORDINANCE, THE
8 TIME FOR COMPLETING THE PETITION IS CONTINUED FOR AN ADDITIONAL 45 DAYS.

9 (3) (I) THE BOARD OF SUPERVISORS OF ELECTIONS OF THE COUNTY
10 SHALL VERIFY THE REGISTRATION OF THE INDIVIDUALS SIGNING THE PETITION
11 AND, IF THE REQUIRED NUMBER OF QUALIFIED VOTERS IS VERIFIED, SHALL PLACE
12 THE ADOPTION, AMENDMENT, OR REPEAL OF A ZONING ORDINANCE ON THE BALLOT
13 IN FREDERICK COUNTY AT THE NEXT REGULAR ELECTION FOR MEMBERS OF THE
14 UNITED STATES HOUSE OF REPRESENTATIVES FOR APPROVAL OR REJECTION.

15 (II) A MINOR VARIATION BETWEEN THE SIGNATURE OF A
16 QUALIFIED VOTER ON THE PETITION AND ON THE VOTER REGISTRATION RECORDS
17 DOES NOT INVALIDATE THE SIGNATURE. THE INVALIDATION OF A SIGNATURE ON A
18 PETITION DOES NOT INVALIDATE ANY OTHER SIGNATURE ON THE PETITION.

19 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
20 Act or the application thereof to any person or circumstance is held invalid for any
21 reason in a court of competent jurisdiction, the invalidity does not affect other
22 provisions or any other application of this Act which can be given effect without the
23 invalid provision or application, and for this purpose the provisions of this Act are
24 declared severable.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2002.