
By: **Senators Mooney and Ferguson**
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Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
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CHAPTER _____

1 AN ACT concerning

2 **Frederick County ~~Zoning Ordinances~~ ~~Citizen's Referendum~~ Citizen's**
3 **Right to Referendum Act**

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

20 BY repealing and reenacting, with amendments,
21 Article 66B - Land Use
22 Section 14.06
23 Annotated Code of Maryland
24 (1998 Replacement Volume and 2001 Supplement)

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

1 **Article 66B - Land Use**

2 14.06.

3 (a) This section applies to Frederick County.

4 (b) Notwithstanding any other provision of this article, the Board of County
5 Commissioners may overrule an action of the Frederick County planning commission
6 under §§ 3.05, 3.06, 3.07, and 3.08 of this article by a majority vote of the membership
7 of the Board of County Commissioners.8 (c) (1) Notwithstanding § 4.07(a) of this article, the members of the board of
9 appeals may be appointed to terms of 1 to 3 years.

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

11 (d) If a plat is approved and recorded in accordance with this article before the
12 transfer of land, § 5.05 of this article does not apply to the contract for sale or
13 negotiation for sale of property zoned industrial, commercial, or both industrial and
14 commercial.15 (E) (1) (I) THE CITIZENS OF FREDERICK COUNTY MAY PETITION TO
16 REFERENDUM IN ACCORDANCE WITH THIS SUBSECTION ANY ADOPTION,
17 AMENDMENT, OR REPEAL OF A ZONING ORDINANCE ADOPTED BY THE BOARD OF
18 COUNTY COMMISSIONERS.19 (II) THE ADOPTION, AMENDMENT, OR REPEAL OF A ZONING
20 ORDINANCE MAY NOT TAKE EFFECT DURING THE PERIOD IN WHICH A PETITION MAY
21 BE SUBMITTED.22 (III) IF THE ADOPTION, AMENDMENT, OR REPEAL OF A ZONING
23 ORDINANCE IS SUCCESSFULLY PETITIONED TO REFERENDUM, THE ADOPTION,
24 AMENDMENT, OR REPEAL OF THE ZONING ORDINANCE IS SUSPENDED AND MAY NOT
25 TAKE EFFECT UNTIL 30 DAYS AFTER APPROVAL BY THE MAJORITY OF THE
26 QUALIFIED VOTERS VOTING ON THE QUESTION.27 (2) (I) AN ADOPTION, AMENDMENT, OR REPEAL OF A ZONING
28 ORDINANCE IS SUBJECT TO REFERENDUM UNDER THIS SUBSECTION IF A PETITION
29 SIGNED BY THE REQUIRED NUMBER OF QUALIFIED VOTERS OF FREDERICK COUNTY
30 IS SUBMITTED TO THE BOARD OF SUPERVISORS OF ELECTIONS OF THE COUNTY
31 WITHIN 45 DAYS AFTER FINAL ADOPTION OF THE ORDINANCE OR AMENDMENT OR
32 REPEAL OF A CURRENT ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OR
33 WITHIN THE TIME PRESCRIBED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH.34 (II) A PETITION SUBMITTED UNDER THIS SUBSECTION SHALL BE
35 SIGNED BY AT LEAST 10% OF THE QUALIFIED VOTERS WHO RESIDE IN FREDERICK
36 COUNTY.37 (III) A PETITION MAY CONSIST OF SEVERAL PAPERS, BUT EACH
38 PAPER SHALL CONTAIN THE TEXT OF OR A FAIR SUMMARY OF THE ORDINANCE OR

1 REPEAL OF A CURRENT ORDINANCE BEING PETITIONED TO REFERENDUM.
2 INDIVIDUALS SIGNING THE PETITION SHALL PRINT NEXT TO THEIR SIGNATURE
3 THEIR NAME AND ADDRESS. AN AFFIDAVIT SHALL BE ATTACHED TO EACH PAPER BY
4 THE INDIVIDUAL PROCURING THE SIGNATURES STATING THAT, TO THE
5 INDIVIDUAL'S INFORMATION AND BELIEF, EACH SIGNATURE ON THE PAPER IS
6 GENUINE AND THAT, WHERE REQUIRED BY THIS SUBSECTION, EACH INDIVIDUAL
7 WHOSE SIGNATURE APPEARS ON THE PAPER IS A QUALIFIED VOTER WHO RESIDES
8 IN FREDERICK COUNTY.

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

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

21 (II) A MINOR VARIATION BETWEEN THE SIGNATURE OF A
22 QUALIFIED VOTER ON THE PETITION AND ON THE VOTER REGISTRATION RECORDS
23 DOES NOT INVALIDATE THE SIGNATURE. THE INVALIDATION OF A SIGNATURE ON A
24 PETITION DOES NOT INVALIDATE ANY OTHER SIGNATURE ON THE PETITION.

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

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2002. It shall remain effective for a period of 1 year and, at the end of
33 September 30, 2003, with no further action required by the General Assembly, this
34 Act shall be abrogated and of no further force and effect.