

# HOUSE BILL 708

L5

71r0505

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By: **Montgomery County Delegation and Prince George's County Delegation**

Introduced and read first time: February 8, 2007

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2007

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Montgomery County – Maryland–National Capital Park and Planning**  
3 **Commission – Town of Kensington**

4 **MC/PG 112–07**

5 FOR the purpose of authorizing the Town of Kensington to have concurrent  
6 jurisdiction to enforce the Montgomery County zoning ordinances within its  
7 corporate limits; requiring a two-thirds majority vote of both the planning  
8 board and the district council of Montgomery County to take certain actions  
9 relating to zoning ~~or land use planning~~ within the Town of Kensington that is  
10 contrary to a resolution of the Mayor and Town Council of the Town of  
11 Kensington; requiring a two-thirds majority vote of the planning board of  
12 Montgomery County to take certain actions relating to land use planning within  
13 the Town of Kensington that is contrary to a resolution of the Mayor and Town  
14 Council of the Town of Kensington; and generally relating to zoning and land  
15 use planning for the Town of Kensington.

16 BY repealing and reenacting, with amendments,  
17 Article 28 – Maryland–National Capital Park and Planning Commission  
18 Section 8–112(a) and 8–112.2  
19 Annotated Code of Maryland

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2003 Replacement Volume and 2006 Supplement)

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

4 **Article 28 – Maryland–National Capital Park and Planning Commission**

5 8–112.

6 (a) (1) Except as provided in paragraph (2) of this subsection and for the  
7 City of Takoma Park **AND THE TOWN OF KENSINGTON** as provided in § 8–112.2 of  
8 this subtitle, within the regional district, the zoning powers vested by Article 66B of  
9 the Code in any municipality or council of any municipality within the regional district  
10 shall be construed to be vested exclusively in and may be exercised within their  
11 discretion only by the County Council of Montgomery County or the County Council of  
12 Prince George’s County, each acting respectively as a district council.

13 (2) A municipal corporation in Prince George’s County shall have  
14 concurrent jurisdiction with the County Council of Prince George’s County to enforce  
15 zoning laws within its corporate limits.

16 (3) Before exercising the authority conferred by this section, a  
17 municipal corporation shall enter into a written agreement with the Prince George’s  
18 County District Council concerning the method by which the county will be advised of  
19 citations issued by a municipal inspector, the responsibility of the municipal  
20 corporation or the county to prosecute violations cited by the municipal corporation,  
21 the disposition of fines imposed for violations cited by the municipal corporation, the  
22 resolution of disagreements between the municipal corporation and the county about  
23 the interpretation of the zoning laws, and any other matters that the Prince George’s  
24 County District Council deems necessary for the proper exercise of this authority.

25 8–112.2.

26 (a) The City of Takoma Park **AND THE TOWN OF KENSINGTON** shall **EACH**  
27 have concurrent jurisdiction to enforce the Montgomery County zoning ordinances  
28 within [its] **THEIR RESPECTIVE** corporate limits.

29 (b) A two–thirds majority vote of both the planning board and the district  
30 council of Montgomery County is required to take any action relating to zoning within  
31 the City of Takoma Park **OR THE TOWN OF KENSINGTON** that is contrary to a  
32 resolution of the Mayor and City **OR TOWN** Council [of Takoma Park].

1 (c) A two-thirds majority vote of the planning board of Montgomery County  
2 is required to take any action relating to land use planning within the City of Takoma  
3 Park **OR THE TOWN OF KENSINGTON** that is contrary to a resolution of the Mayor  
4 and City **OR TOWN** Council [of Takoma Park].

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2007.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.