

CHAPTER 425

(House Bill 708)

AN ACT concerning

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

MC/PG 112–07

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

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 8–112(a) and 8–112.2
Annotated Code of Maryland
(2003 Replacement Volume and 2006 Supplement)

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

Article 28 – Maryland–National Capital Park and Planning Commission

8–112.

(a) (1) Except as provided in paragraph (2) of this subsection and for the City of Takoma Park **AND THE TOWN OF KENSINGTON** as provided in § 8–112.2 of this subtitle, within the regional district, the zoning powers vested by Article 66B of the Code in any municipality or council of any municipality within the regional district shall be construed to be vested exclusively in and may be exercised within their

discretion only by the County Council of Montgomery County or the County Council of Prince George's County, each acting respectively as a district council.

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

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

8-112.2.

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

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

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

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

Approved by the Governor, May 8, 2007.