A BILL ENTITLED

AN ACT concerning Municipal Incorporation – County Commissioners or County Council – Required Approval of Referendum Request

FOR the purpose of requiring the county commissioners or county council to approve a certain referendum request if a valid petition to incorporate an area as a municipality is presented by a certain percentage of the registered voters who are residents of the area proposed to be incorporated; and generally relating to the incorporation of municipalities.

BY repealing and reenacting, without amendments,

Article – Local Government
Section 4–202
Annotated Code of Maryland
(2013 Volume and 2020 Supplement)

BY repealing and reenacting, with amendments,

Article – Local Government
Section 4–207
Annotated Code of Maryland
(2013 Volume and 2020 Supplement)

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

Article – Local Government

4–202.

This subtitle governs municipal incorporation.

4–207.
(A) THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL APPROVE
THE REFERENDUM REQUEST IF A VALID PETITION IS PRESENTED BY NOT LESS THAN
40% OF THE REGISTERED VOTERS WHO ARE RESIDENTS OF THE AREA PROPOSED TO
BE INCORPORATED.

[(a)] (B) (1) If the county commissioners or county council approves the
referendum request, between 40 and 60 days after it receives the proposed municipal
charter, the county commissioners or county council shall specify, by resolution, the day
and hours for a vote on the proposed incorporation by the voters of the area to be
incorporated.

(2) The resolution shall include the exact text of the proposed municipal
charter as submitted by the organizing committee.

[(b)] (C) (1) If the county commissioners or county council rejects the
referendum request, the county commissioners or county council shall:

(i) provide in writing and make available to the public within a
reasonable time the reasons for the rejection; and

(ii) establish reasonable procedures by which the county
commissioners or county council shall reconsider a referendum request, including an
opportunity for a public hearing with sufficient advance public notice.

(2) After the hearing and reconsideration process is completed, the county
commissioners or county council, by resolution, shall affirm the rejection or approve the
referendum request.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
October 1, 2021.