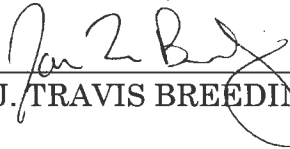


COUNTY COMMISSIONERS OF CAROLINE COUNTY, MARYLAND

(EMERGENCY) LEGISLATIVE BILL #2025-003

INTRODUCED BY: COMMISSIONERS BREEDING, PORTER, AND
BARTZ

INTRODUCED ON: **MARCH 25, 2025**

ATTEST: 
J. TRAVIS BREEDING, PRESIDENT

PUBLIC HEARING: **APRIL 8, 2025; AT 9:15 AM**
COURTHOUSE, 109 MARKET STREET
ROOM 106
DENTON, MARYLAND

THIRD READING: **APRIL 15, 2025**

ENACTED: **APRIL 15, 2025**

EFFECTIVE: **APRIL 15, 2025**

Chapter 175 – Zoning – Article XX – Board of Zoning Appeals - § 175-171

AN Act to repeal and reenact with amendments § 175-171 of Article XX of Chapter 175 – Zoning, of the Code of Public Local Laws of Caroline County, Maryland;

FOR the purpose of eliminating term limits for members of the Board of Zoning Appeals; modifying language of the ordinance to conform to changes in the Annotated Code of Maryland regarding suspension and removal of members of the Board of Zoning Appeals; and making this Act an Emergency Bill.

WHEREAS, the County Commissioners of Caroline County, Maryland (the "County Commissioners") are authorized under Article XI-F of the Maryland Constitution and § 9-308 of the Local Government Article of the Annotated Code of Maryland (the "Local Government Article") to adopt public local laws in general;

WHEREAS, the County Commissioners are authorized under the Land Use Article, Title 4, of the Annotated Code of Maryland to enact and administer zoning and land use Bills; and

WHEREAS, pursuant to § 197 B of Chapter 175, the County Commissioners have received the positive recommendation of the Planning Commission and the staff of the Caroline County Department of Planning and Codes regarding eliminating the existing term limits of members of the Board of Zoning Appeals, and modifying the language of § 175-171 to conform to changes in the State Code regarding suspension and removal of members of the Board of Zoning Appeals, as proposed in this Bill; and

WHEREAS, this Bill may also be known by its short title “Chapter 175 – Zoning- Article XX–Board of Zoning Appeals – Elimination of Term Limits for Members of the Board of Zoning Appeals.”

NOW, THEREFORE, in an exercise of the County’s police power as a Code Home Rule County, be it enacted by the County Commissioners of Caroline County, Maryland that:

SECTION 1. SECTION 175-171 OF ARTICLE XX OF CHAPTER 175 – ZONING of the Code of Public Local Laws of Caroline County, Maryland is hereby **REPEALED**.

SECTION 2. NEW § 175-171 OF ARTICLE XX OF CHAPTER 175 – ZONING is hereby enacted in lieu thereof, to read as follows:

§ 175-171. Creation; membership and terms; vacancy and removal.

A. There is hereby created a Board of Zoning Appeals consisting of at least 3 members appointed by the County Commissioners.

B. All members shall be residents of Caroline County.

C. The term of office of a member of the Board of Zoning Appeals is 3 years. Members are eligible for re-appointment for consecutive or subsequent terms by the County Commissioners.

D. In accordance with § 4-302 of the Land Use Article, a member of the Board of Zoning Appeals may be removed by the County Commissioners for:

- (i) incompetence; or
- (ii) misconduct.

E. In accordance with § 4-302 of the Land Use Article, a member of the Board of Zoning Appeals who fails to attend at least 50% of the meetings of the Board of Zoning Appeals during any consecutive 12-month period shall be considered to have resigned.

F. Not later than 10 days following the end of the 12-month period the Chairman or Vice Chairman of the Board of Zoning Appeals shall forward to the County Commissioners:

(i) the name of the individual considered to have resigned; and

(ii) a statement describing the individual's history of attendance during the period.

G. *Appointment of successor.* – Except as provided in paragraph H of this subsection, after receiving the statement of the Chairman or Vice Chairman, the County Commissioners shall appoint a successor for the remainder of the term of the individual.

H. *Exception.* – If the individual has been unable to attend meetings for reasons satisfactory to the County Commissioners, the County Commissioners may waive the resignation if the reasons are made public.

I. *Suspension generally.* – In accordance with § 4-302 of the Land Use Article, a member of the Board of Zoning Appeals shall be suspended from participation in the activities of the Board of Zoning Appeals if the member is convicted of or enters a plea of nolo contendere to any crime that:

(i) is a felony; or

(ii) is a misdemeanor related to the member's public duties and responsibilities and involves moral turpitude for which the penalty may be incarceration in any penal institution.

J. The suspension shall continue during any period of appeal of the conviction.

K. If the conviction becomes final, the member shall be removed from the office and the office shall be deemed vacant.

L. *Reinstatement.* - If the conviction of the member is reversed or otherwise vacated the member shall be reinstated to the office for the remainder, if any, of the term of office during which the member was so suspended or removed.

M. The County Commissioners shall provide to the member:

(i) a written statement of charges stating the grounds for removal; and

(ii) an opportunity for a public hearing to contest the charges.

N. If a vacancy occurs during the term of an appointed member, the vacancy shall be filled for the unexpired term in the same manner as is required for appointment under this section.

O. The County Commissioners shall designate one or more alternate members for the Board of Zoning Appeals who may sit on the Board when another member of the Board is absent or recused.

P. When an alternate member is absent or recused, the County Commissioners may designate a temporary alternate.

Q. The County Commissioners shall appoint a new member to fill the unexpired term of any member who leaves the Board of Zoning Appeals.

SECTION 3. The Recitals to this Bill are incorporated herein and deemed a substantive part of this Bill.

SECTION 4. The provisions of this Bill are declared to be severable. If any section, subsection, sentence, clause, phrase, or portion of this Bill is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the same shall be deemed separate, distinct, and independent from, and such holding shall not affect the validity of, the remaining portions of this Bill, it being the intent of the County that this Bill shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. The Publishers of the Code of Public Local Laws of Caroline County, Maryland (the "Code"), the Caroline County Office of Law, or the Caroline County Department of Planning and Codes, in consultation with and subject to the approval of the County Administrator, shall be authorized to make non-substantive corrections to codification, style, capitalization, punctuation, grammar, spelling, organization, and any internal or external reference or citations to the Code that is incorrect or obsolete, with no further action required by the County Commissioners. All such corrections shall be adequately referenced and described in the editor's note following the section affected.

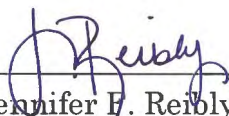
SECTION 6. The title and summary of this Bill shall be published in at least one newspaper of general circulation in Caroline County three times, at weekly intervals, and within the 4-week period after passage of the Bill, in accordance with §9-311 (i) of the Local Government Article of the Annotated Code of Maryland. The title of this Bill, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Bill for publication and all other purposes. The title is not a

substantive part of this Bill for publication and all other purposes. If the Bill is amended, the title may be administratively revised to conform to the content of the Bill as finally enacted.

SECTION 7. AND BE IT FURTHER ENACTED, that this Bill is hereby declared to be an emergency ordinance and a necessary measure to address an immediate public emergency affecting the peace, health, safety, welfare and property of the residents of Caroline County, and being passed by the affirmative vote of all three County Commissioners, shall become effective upon enactment. Upon enactment, this ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all Board of Zoning Appeals proceedings.

Enacted this 15th day of April, 2025.

ATTEST:

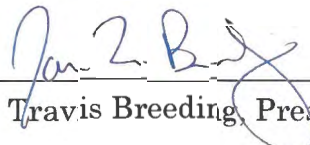


Jennifer F. Reibly
Public Information Officer

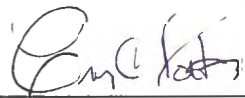
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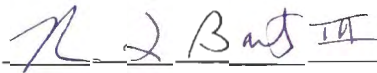
**COUNTY COMMISSIONERS OF
CAROLINE COUNTY, MARYLAND**



J. Travis Breeding, President



Larry C. Porter, Vice-President



N. Franklin Bartz III, Member

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



Stewart Barroll
County Attorney