

A029-0910

10 AN ACT CONCERNING

20 Annexation of contiguous land

30 FOR allowing municipalities to annex land that is entirely surrounded by incorporated land.

40 BY altering by amendment

50 Constitution of Maryland

60 Article 23A, Corporations - Municipal

70 Home Rule Section. § 19. Annexation.

80 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

90 That the Constitution of Maryland read as follows:

100 § 19. Annexation.

110 (a) Legislative body authorized to enlarge corporate boundaries.- The legislative body, by whatever name
120 known, of every municipal corporation in this State may enlarge its corporate boundaries as provided in
130 this subheading; but this power shall apply only to land:

140 (1) Which is contiguous and adjoining to the existing corporate area; and

150 (2) Which does not create any unincorporated area which is bounded on all sides by real property
160 presently within the corporate limits of the municipality, real property proposed to be within the
170 corporate limits of the municipality as a result of the proposed annexation, or any combination of
180 such properties.

190 (b) Initiation by legislative body.-

200 (1) The proposal for change may be initiated by resolution regularly introduced into the legislative
210 body of the municipal corporation, in accordance with the usual requirements and practices
220 applicable to its legislative enactments, and also in conformity with the several requirements
230 contained in subsections (b) and (c) of § 13 of this subtitle, but only after the legislative body has
240 obtained the consent for the proposal from not less than 25 percent of the persons who reside in
250 the area to be annexed and who are registered as voters in county elections and from the owners of
260 not less than 25 percent of the assessed valuation of the real property located in the area to be
270 annexed. The resolution shall describe by a survey of courses and distances, and may also describe
280 by landmarks and other well-known terms, the exact area proposed to be included in the change,
290 and shall contain complete and detailed provisions as to the conditions and circumstances
300 applicable to the change in boundaries and to the residents and property within the area to be
310 annexed.

320 (2) (i) The requirements of paragraph (1) for consent of resident voters and property owners
330 do not apply if ~~on or before January 1, 1983~~ the property to be annexed is:

340 1. Bounded on all sides by real property presently within the corporate limits of
350 the municipality, and the entire area is to be included in the same annexation;

360 2. The size of the area does not exceed 1.5 percent of the present area of the
370 municipal corporation; and

380 3. The number of residents in the area does not exceed 1 percent of the
390 population of the municipal corporation.

400 ~~(ii) A resolution of annexation under this paragraph is not subject to the referendum
410 provisions of subsection (f) of this section.~~

420 ~~(iii)~~ (ii) The provisions of this paragraph shall be of no effect and may not be exercised
430 after June 30, 1984.

440 (c) Initiation by petition.- The proposal for change also may be initiated by a written petition signed by not
450 less than twenty-five per centum (25%) of the persons who reside in the area to be annexed and who are
460 registered as voters in county elections in the precinct or precincts in which the territory to be annexed is
470 located, and by the owners of not less than twenty-five per centum (25%) of the assessed valuation of the
480 real property located in the area to be annexed. Upon the presentation of a petition to the legislative body of
490 the municipal corporation, the presiding officer thereof shall cause to be made a verification of the
500 signatures thereon and shall ascertain that the persons signing the petition represent at least twenty-five per

510 centum (25%) of the persons who reside in the area to be annexed and who are registered as voters in
520 county elections in the precinct or precincts in which the territory to be annexed is located, and the owners
530 of twenty-five per centum (25%) of the assessed valuation of the real property located in the area to be
540 annexed. Upon verifying that the requirements of this subsection have been complied with, the presiding
550 officer of the legislative body shall promptly cause to be introduced therein a resolution proposing the
560 change of boundaries as requested by the petition. The resolution in form and content shall conform to the
570 requirements of this section.

580 (d) Notice and hearing.- After the introduction of the resolution into the legislative body of the municipal
590 corporation, the chief executive and administrative officer of the municipal corporation shall cause a public
600 notice thereof to be published not fewer than four times or, if the total area of the proposed annexation is
610 for 25 acres of land or less, not fewer than two times, at not less than weekly intervals in a newspaper or
620 newspapers of general circulation in the municipal corporation and the area to be annexed, briefly and
630 accurately describing the proposed change and the conditions and circumstances applicable. The public
640 notices shall specify a time and place at which a public hearing will be held by the legislative body on the
650 resolution; the hearing shall be set for not less than 15 days after the fourth publication of the notices or, if
660 the total area of the proposed annexation is for 25 acres of land or less, not less than 15 days after the
670 second publication of the notices, and shall be held either within the boundaries of the municipal
680 corporation or within the area to be annexed. The public hearing may be continued or rescheduled for a
690 subsequent time not to exceed 30 days from the day for which the meeting was originally scheduled, or the
700 day on which the hearing commenced but was not completed. In the event of a continuation or
710 rescheduling, a single public notice shall be given at least seven days prior to the continued or rescheduled
720 date in a newspaper of general circulation in the municipal corporation and in the area whose annexation is
730 to be discussed, briefly and accurately describing the property whose annexation is to be discussed, and
740 specifying the day, time, and place of the public hearing. Immediately upon the first publication of the
750 public notice, a copy of the public notice shall be provided to the governing body of the county and any
760 regional and State planning agencies having jurisdiction within the county. Each of these agencies and
770 jurisdictions shall have the first right to be heard at the scheduled public hearing, after which the hearing
780 shall be open to the general public.

790 (e) Enactment and effective date of resolution.- Following the public hearing, the legislative body may
800 proceed to enact the resolution, in accordance with the usual requirements and practices applicable to its
810 legislative enactments. The resolution shall not become effective until at least forty-five (45) days
820 following its final enactment.

830 (f) Petition for referendum by residents of area to be annexed.- At any time within the 45 day period
840 following the final enactment of the resolution, a number of persons equal to not less than 20 percent of the
850 persons who reside in the area to be annexed and who are registered as voters in county elections in the
860 precinct or precincts in which the territory to be annexed is located may, in writing, petition the chief
870 executive and administrative officer of the municipal corporation for a referendum on the resolution. Upon
880 the presentation of a petition to the officer, he shall cause to be made a verification of the signatures
890 thereon and shall ascertain that the persons signing the petition represent at least 20 percent of the persons
900 who reside in the area to be annexed and who are registered as voters in county elections in the precinct or
910 precincts in which the territory to be annexed is located. Upon verifying that the requirements of this
920 subsection have been complied with, the officer shall by proclamation suspend the effectiveness of the
930 resolution, contingent upon the results of the referendum.

940 (g) Petition for referendum by residents of municipality.- At any time within the forty-five (45) day period
950 following the final enactment of the resolution, a number of persons equal to not less than twenty per
960 centum (20%) of the qualified voters of the municipal corporation may, in writing, petition the chief
970 executive and administrative officer of the municipal corporation for a referendum on the resolution. Upon
980 the presentation of a petition to the officer, he shall cause to be made a verification of the signatures
990 thereon and shall ascertain that the persons signing the petition represent at least twenty per centum (20%)
1000 of the qualified voters of the municipal corporation. Upon verifying that the requirements of this subsection
1010 have been complied with, the officer shall by proclamation suspend the effectiveness of the resolution,
1020 contingent upon the results of the referendum.

1030 (h) Petition for referendum by county governing body.- At any time within the 45-day period following the
1040 final enactment of the resolution, the governing body of the county or counties in which the municipality is
1050 located, by at least a two-thirds majority vote, may petition in writing the chief executive and
1060 administrative officer of the municipal corporation for a referendum on the resolution. Upon verifying that
1070 there has been compliance with the requirements of this subsection, the officer by proclamation shall
1080 suspend the effectiveness of the resolution, contingent upon the results of the referendum.

1090 (i) Time of referendum; notice.- The chief executive and administrative officer of the city, town or village
1100 shall set a date for the referendum on the ordinance or resolution, which shall be not less than fifteen (15)
1110 days and not more than ninety (90) days from the publication of notices therefor. Such notices shall be
1120 published twice at not less than weekly intervals in a newspaper or newspapers of general circulation in the
1130 municipal corporation and the area to be annexed. The notices shall specify the time and place or places at
1140 which the referendum will be held; the place or places shall be within the limits of the area to be annexed
1150 for the referendum within that area, and shall be within the limits of the municipal corporation for the
1160 referendum in this latter place.

1170 (j) Submission of resolution to voters; ballots.- On the date and at the places specified, the resolution
1180 proposing a change in the corporate boundaries of the municipal corporation shall be submitted to a
1190 referendum election of the qualified voters of the municipal corporation or of the persons who reside in the
1200 area to be annexed and who are registered as voters in county elections in the precinct or precincts in which
1210 the territory to be annexed is located, or both, depending upon whether a petition for referendum has been
1220 presented by the residents of the municipal corporation, or by the residents of the area proposed to be
1230 annexed or by both such sets of residents. The petition for referendum presented by the governing body of
1240 the county shall be acted upon in the same manner as a petition for referendum presented by the residents
1250 of the area proposed to be annexed. The ballots or the voting machines, as the case may be, shall contain a
1260 summary of the resolution, with suitable provision for the voter to indicate a choice for or against it.

1270 (k) When any property owner may sign petition and participate in election.- For the purposes of this
1280 section, in any instance in which there are fewer than twenty persons living in any area proposed to be
1290 annexed who are eligible to sign a petition and to participate in a referendum election under the provisions
1300 of this section, any person owning real property in the area proposed to be annexed (the word "person" here
1310 including an association, the two or more joint owners of jointly-owned property, a firm or corporation)
1320 shall have a right equal to that of a natural person to sign a petition or to participate in a referendum
1330 election.

1340 (l) Result of election.- If only one petition for a referendum is filed and if a majority of the persons voting
1350 on the question in that referendum shall vote in favor of the proposal for change, the change shall become
1360 effective as proposed on the fourteenth day following the referendum. If two petitions for referendum are
1370 filed, the votes cast for the two referenda shall be tabulated separately, so as to show individually the
1380 tabulation of votes cast in the municipal corporation and in the area to be annexed. If in both tabulations,
1390 each being reckoned separately, a majority of the persons voting on the question shall vote in favor of the
1400 proposal for change, the change shall become effective as proposed on the fourteenth day following the
1410 referendum. In the event there are two referenda, unless there is such a favorable majority in both
1420 tabulations, reckoned separately, the proposal for change shall be void and of no further effect whatsoever.

1430 (m) Annexation of land in another municipality not authorized.- The provisions of this section shall
1440 authorize an increase in the area within any municipal corporation only as to land which is not then within
1450 the corporate limits of any other municipal corporation.

1460 (n) What resolution shall provide.- The resolution to add to the corporate boundaries of a municipal
1470 corporation shall provide generally that the persons residing in the area to be annexed, and their property,
1480 shall be added to the corporate boundaries, generally subject or not subject, as the case may be, to the
1490 provisions of the charter of the municipal corporation; except that for stated periods and under specific
1500 conditions provision may be made for special treatment of the residents and property in the area to be
1510 annexed, as to rates of municipal taxation and as to municipal services and facilities. No change shall be

1520 made in these provisions for special treatment for stated periods and under specific conditions, except by
1530 resolution enacted in accordance with the provisions and requirements of this section.

1540 (o) Annexation plans.-

1550 (1) In addition to, but not as a part of the resolution, the legislative body of the municipal
1560 corporation shall adopt an annexation plan for the area proposed to be annexed.

1570 (2) The annexation plan shall be open to public review and discussion at the public hearing, but
1580 amendments to the annexation plan may not be construed in any way as an amendment to the
1590 resolution, nor may they serve in any manner to cause a reinitiation of the annexation procedure
1600 then in process.

1610 (3) (i) A copy of the annexation plan shall be provided to the governing body of the county
1620 or counties in which the municipal corporation is located, the Department of Planning,
1630 and any regional and State planning agencies having jurisdictions within the county at
1640 least 30 days prior to the holding of the public hearing required by this section.

1650 (ii) Except as provided in paragraph (4) of this subsection, for annexations that begin
1660 before October 1, 2009, the annexation plan shall contain a description of the land use
1670 pattern proposed for the area to be annexed, which may include any county master plan
1680 already in effect for the area. It shall be presented so as to demonstrate the available land
1690 for public facilities which may be considered reasonably to be necessitated by the
1700 proposed use, such as school sites, water or sewage treatment facilities, libraries,
1710 recreation, fire or police. It shall contain also a statement describing the schedule for
1720 extending to the area to be annexed each municipal service performed within the
1730 municipality at the time of annexation and a statement as to the general methods by
1740 which the municipality anticipates to finance the extension of municipal services into the
1750 area to be annexed.

1760 (iii) Except as provided in paragraph (4) of this subsection, for annexations that begin on
1770 or after October 1, 2009, the annexation plan shall be consistent with the municipal
1780 growth element of the comprehensive plan of the municipal corporation.

1790 (iv) For the purposes of subparagraphs (ii) and (iii) of this paragraph, an annexation
1800 begins if:

1810 1. A proposal for change is initiated by resolution in accordance with subsection
1820 (b) of this section; or

1830 2. A proposal for change is initiated by written petition in accordance with
1840 subsection (c) of this section.

1850 (4) (i) A municipal corporation may submit an annexation plan in accordance with paragraph
1860 (3)(ii) of this subsection, if on or after October 1, 2009, a municipal corporation is
1870 granted an extension for the inclusion of a municipal growth element in accordance with
1880 Article 66B, § 3.05(f) of the Code.

1890 (ii) After the expiration of a final extension granted under Article 66B, § 3.05(f) of the
1900 Code for the inclusion of a municipal growth element, an annexation plan shall be
1910 submitted in accordance with paragraph (3)(iii) of this subsection.

1920 (p) Registration of boundaries.- The chief executive and administrative officer of a municipal corporation
1930 which has enlarged its corporate boundaries under the provisions of this section shall promptly send the
1940 annexation resolution with the new boundaries to the clerk or similar official, to the clerk of the court in the
1950 county or counties in which the municipal corporation is located, to the Department of Legislative Services
1960 as provided in § 9A of this article, and for those municipalities lying within the regional district, to the
1970 Maryland-National Capital Park and Planning Commission. Each such official shall hold the annexation
1980 resolution with the new boundaries on record and shall make it available for public inspection during all
1990 normal business hours.

2000 (q) Special provision as to Washington County.- Repealed.

2010 (r) Conduct of election; tabulation of results; expenses.- The mayor and council, by whatever name known,
2020 of every municipal corporation is hereby authorized and empowered, by ordinance, resolution or
2030 regulation, to make proper provision for conducting, and for tabulating the results of any referendum to be

2040 held under the provisions of this section. The mayor and council of the municipal corporation shall pay in
2050 full for the expenses of any such referendum.
2060 (s) Exercise of planning and zoning jurisdiction in certain areas not authorized.- The powers granted to
2070 municipal corporations by Article XI-E of the Constitution, by this article, and by Article 66B of the Code,
2080 shall not be deemed to authorize any municipal corporation, either through procedures under this
2090 subheading or other changes in its charter, to exercise planning (including subdivision control) and zoning
2100 jurisdiction or power within any political subdivision in which such planning and zoning jurisdiction or
2110 power, or either, is exercised by any State, regional or county agency or authority. Except that where any
2120 area is annexed to a municipality authorized to have and having then a planning and zoning authority, the
2130 said municipality shall have exclusive jurisdiction over planning and zoning and subdivision control within
2140 the area annexed; provided that nothing in this exception shall be construed or interpreted to grant planning
2150 and zoning authority to a municipality not authorized to exercise such authority at the time of such
2160 annexation.

2170 **MANDATES:**

2180 Martin O'Malley, Governor
2190 Michael Busch, Speaker of the House
2200 Thomas V. Miller, President of the Senate

Sponsor:

Scott Thomas Besore, Delegation Chair Person, Salisbury University.