CHAPTER 534

(Senate Bill 350)

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

FOR the purpose of providing that certain consent provisions and certain referendum provisions do not apply to a proposed annexation by a municipal corporation of a parcel that is a certain acreage or less and is part of a lot that contains certain parcels under certain circumstances; prohibiting a municipal corporation from annexing a certain maximum number of acres under this Act; providing that this Act does not apply to land zoned for agricultural use; providing for the termination of this Act; and generally relating to annexations by municipal corporations.

BY repealing and reenacting, without amendments,
Article 23A – Corporations – Municipal
Section 19(a) and (b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 23A – Corporations – Municipal
Section 19(t)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Article 23A – Corporations – Municipal

19.

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

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

(2) Which does not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the municipality,

real property proposed to be within the corporate limits of the municipality as a result of the proposed annexation, or any combination of such properties.

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

(T) (1) THIS SUBSECTION DOES NOT APPLY TO LAND THAT IS ZONED FOR AGRICULTURAL USE.

(2) THE PROVISIONS OF THIS SECTION REQUIRING CONSENT OF RESIDENTS AND OWNERS OF PROPERTY IN THE AREA TO BE ANNEXED AND PROVIDING FOR A REFERENDUM DO NOT APPLY IF A PARCEL OF LAND PROPOSED FOR ANNEXATION IS:

(I) 5 ACRES OR LESS; AND

(II) PART OF A LOT THAT CONTAINS:

1. AT LEAST ONE OTHER PARCEL THAT IS ALREADY WITHIN THE MUNICIPAL CORPORATE AREA; AND

2. ONLY PARCELS THAT HAVE BEEN INCLUDED IN THE MUNICIPAL CORPORATE AREA FOR 3 YEARS OR MORE.

~~(2)~~ (3) A MUNICIPAL CORPORATION MAY NOT ANNEX MORE THAN 25 ACRES, REGARDLESS OF THE NUMBER OF PARCELS OR LOTS ANNEXED, UNDER THE PROVISIONS OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009. It shall remain effective for a period of 2 years and, at the end of September 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.

Approved by the Governor, May 19, 2009.